THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report)

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1923.

VOLUME XI—No. 2.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Victor Alexander George Robert Bulwer-Lytton, Earl of Lytton, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan, Vice-President, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded Areas.
6. European Education.

The Hon'ble Sir Abd-ur-Rahim, Kt., in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration.
4. Jurisdiction.
5. Legislative.
6. Haj Pilgrimage.

The Hon'ble Mr. H. L. Stephenson, C.S.I., C.I.E., in charge of the following portfolios:—

1. Appointment.
2. Political—excluding Haj Pilgrimage.
3. Police.
4. Jails.
5. Ecclesiastical.

The Hon'ble Mr. J. Donald, C.I.E., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Reserved Industrial Subjects.
4. Marine.

MINISTERS.

The Hon'ble Sir SURENDRA NATH BANERJEA, Kt., in charge of the following portfolios:—

Local Self-Government and Public Health.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E., in charge of the following portfolio:—

Education.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., in charge of the following portfolios:—

Agriculture and Public Works.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. H. E. A. COTTON, C.I.E.

DEPUTY-PRESIDENT.

Babu SURENDRA NATH RAY.

Secretary to the Council—C. TINDALL, C.I.E., I.C.S.

Deputy Secretary—A. M. HUTCHISON.

Assistant Secretary to the Council—K. N. MAZUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Afzal, Nawabzada K. M., Khan Bahadur [Dacca City (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Wasimuddin. [Pabna (Muhammadan).]
Ahmed, Maulvi Azaharuddin. [Bakarganj West (Muhammadan).]
Ahmed, Maulvi Rafi Uddin [Jessore South (Muhammadan).]
Ahmed, Maulvi Yakuinuddin. [Dinajpur (Muhammadan).]
Ahmed, Mr. M. [Faridpur South (Muhammadan).]
Ahmed, Munshi Jafar. [Noakhali (Muhammadan).]
Aley, Mr. S. Mahboob. [Calcutta South (Muhammadan).]
Ali, Maulvi Syed Muksood. [Barrackpore Municipal (Muhammadan).]
Ali, Mr. Syed Erfan. [Nadia (Muhammadan).]
Ali, Mr. Syed Nasim. [24-Parganas Rural (Muhammadan).]
Ali, Munshi Amir. [Chittagong (Muhammadan).]
Ali, Munshi Ayub. [Chittagong (Muhammadan).]
Arhamuddin, Maulvi Khandakar. [Mymensingh West (Muhammadan).]
Azam, Khan Bahadur Khwaja Mohamed. [Dacca East Rural (Muhammadan).]

B

Banerjea, the Hon'ble Sir Surendra Nath. [Minister, 24-Parganas Municipal (Non-Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan.]
Banerjee, Rai Bahadur Abinash Chandra. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Bentley, Dr. C. A. (Expert, Nominated.)
Bhattacharji, Babu Hem Chandra. (Nominated Non-official—Labouring Classes.)
Birley, Mr. L. (Nominated Official.)
Bose, Mr. S. M. [Mymensingh East (Non-Muhammadan).]

C

Carey, Mr. W. L. (Indian Mining Association.)
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Babu Tankanath. [Dinajpur (Non-Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. [Bogra (Muhammadan).]
Chaudhuri, Maulvi Shah Muhammad. [Malda *cum* Jalpaiguri (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, Sir Asutosh. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur. [Minister, Mymensingh East (Muhammadan).]
Choudhury, Khan Bahadur Maulvi Rahmatjan. [Faridpur North (Muhammadan).]
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. [Calcutta South Central (Non-Muhammadan).]
Colvin, Mr. G. L. (Bengal Chamber of Commerce.)
Crawford, Mr. T. C. (Indian Tea Association.)
Currie, Mr. W. C. (Bengal Chamber of Commerce.)

D

Das, Babu Bhismadev. (Nominated Non-official—Depressed Classes.)
Das, Mr. S. R. [Calcutta North-West (Non-Muhammadan).]
Das Gupta, Rai Bahadur Nibaran Chandra. [Bakarganj North (Non-Muhammadan).]
De, Rai Bahadur Fanindralal. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
Deare, Major-General B. H. (Nominated Official.)
DeLisle, Mr. J. A. [Dacca and Chittagong (European).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J. (Member, Executive Council.)
Donovan, Mr. J. T. (Nominated Official.)
Doss, Rai Bahadur Pyari Lal. [Dacca City (Non-Muhammadan).]
Dutt, Mr. Ajoy Chunder. [Bankura East (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta North Central (Non-Muhammadan).]
Dutta, Babu Annada Charan. [Chittagong (Non-Muhammadan).]
Dutta, Babu Indu Bhushan. [Tippera (Non-Muhammadan).]

E

Emerson, Mr. T. (Nominated Official.)

F

Faroqui, Mr. K. G. M. [Tippera (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]
French, Mr. F. C. (Nominated Official.)

G

Ghatak, Rai Bahadur Nilmani. [Malda (Non-Muhammadan).]
Ghose, Mr. D. C. [24-Parganas Rural South (Non-Muhammadan).]
Ghose, Rai Bahadur Jogendra Chunder. (Calcutta University.)
Goode, Mr. S. W. (Nominated Official.)

H

Haq, Maulvi A. K. Fazl-ul. [Khulna (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hornell, Mr. W. W. (Nominated Official.)
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Hussain, Maulvi Md. Madassur. [Burdwan Division North (Muhammadan).]

J

James, Mr. R. H. L. Langford. (Indian Jute Mills Association.)
Janah, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]

K

Karim, Maulvi Fazlal. [Bakarganj, South (Muhammadan).]
Khaitan, Babu Devi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Hamid-ud-din. [Rangpur East (Muhammadan).]
Khan, Maulvi Md. Rafique Uddin. [Mymensingh East (Muhammadan).]
Khan, Mr. Razaur Rahman. [Calcutta North (Muhammadan).]
Khan Chaudhuri, Khan Bahadur Maulvi Md. Ershad Ali. [Rajshahi North (Muhammadan).]

L

Lang, Mr. J. (Nominated Official.)
Law, Raja Reshee Case. (Bengal National Chamber of Commerce.)
Leslie, Mr. W. L. (Calcutta Trades Association.)

M

Maharajadhiraja Bahadur of Burdwan, the Hon'ble. (Member, Executive Council.)
Makramali, Munshi. [Noakhali (Muhammadan).]
Mallik, Babu Surendra Nath. [Calcutta South (Non-Muhammadan).]
Marr, Mr. A. (Nominated Official.)

MoAlpin, Mr. M. C. (Nominated Official.)
Mitra, Rai Bahadur Mahendra Chandra. [Hooghly Municipal (Non-Muhammadan).]
Mitter, the Hon'ble Mr. P. C. (Minister, Presidency Landholders.)
Moitra, Dr. Jatindra Nath. [Faridpur North (Non-Muhammadan).]
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Muir, Mr. R. H. (Bengal Chamber of Commerce.)
Mukerji, Mr. S. C. (Nominated Official.)
Mukharji, Babu Satish Chandra. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
Mukherjee, Babu Nitya Dhon. [Hooghly Municipalities (Non-Muhammadan).]
Mukherji, Professor S. C. (Nominated Non-official—The Indian Christian Community.)
Mukhopadhaya, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]
Mullick, Babu Nirode Behary. [Bakarganj South (Non-Muhammadan).]

N.

Nakey, Mirza Muhammad Ali. [24-Parganas Municipal South (Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)
Poddar, Babu Keshoram. (Bengal Marwari Association.)

R

Raheem, Mr. Abdur. (Nominated Non-official.)
Rahim, the Hon'ble Sir Abd-ur-. (Member, Executive Council.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Shah Abdur. [Rangpur West (Muhammadan).]
Ray, Babu Bhabendra Chandra. [Jessore North (Non-Muhammadan).]
Ray, Babu Surendra Nath. [Deputy-President, 24-Parganas Municipal South (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Rai Bahadur Upendra Lal. (Chittagong Landholders.)
Ray Chaudhuri, Babu Brojendra Kishor. (Dacca Landholders.)

Ray Chaudhuri, Mr. Krishna Chandra. (Nominated Non-official—Labouring Classes.)
Ray Choudhury, Raja Manmatha Nath. [Mymensingh West (Non-Muhammadan).]
Rishi, Babu Rasik Chandra. [Noakhali (Non-Muhammadan).]
Roy, Babu Jogendra Krishna. [Faridpur South (Non-Muhammadan).]
Roy, Babu Jogendra Nath. [Dacca Rural (Non-Muhammadan).]
Roy, Babu Nalini Nath. [Jessore South (Non-Muhammadan).]
Roy, Maharaja Bahadur Kshaunish Chandra. [Nadia (Non-Muhammadan).]
Roy, Mr. Bijoyprosad Singh. [Burdwan (Non-Muhammadan).]
Roy, Mr. G. N. (Nominated Official.)
Roy, Mr. J. N. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Rai Bahadur Lalit Mohan Singh. (Burdwan Landholders.)
Roy, Raja Maniloll Singh. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Jogesh Chandra. [Rangpur (Non-Muhammadan).]
Sarkar, Babu Rishindra Nath. [Bankura West (Non-Muhammadan).]
Sen, Babu Mani Lal. (Expert, Nominated.)
Sinha, Babu Surendra Narayan. [Murshidabad (Non-Muhammadan).]
Skinner, Mr. H. E. (Bengal Chamber of Commerce.)
Stark, Mr. H. A. (Anglo-Indian.)
Stephenson, the Hon'ble Mr. H. L. (Member, Executive Council.)
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Dr. A. [Dacca West Rural (Muhammadan).]
Suhrawardy, Dr. Hassan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Burdwan Division South (Muhammadan).]

T

Travers, Mr. W. L. [Rajshahi (European).]

V.

Villiers, Mr. F. E. E. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Eleventh Session.)

VOLUME XI—No. 2.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 12th February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 100 nominated and elected members.

Oath or affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Dr. C. A. BENTLEY.

Babu MANI LAL SEN.

Mr. S. C. MUKERJI.

Starred Questions

(to which oral answers were given).

Faridpur-Bhanga-Madaripur railway project.

***LVIII. Khan Bahadur Maulvi RAHMATJAN CHOUDHURY:** (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works aware of the difficulty of communication between the head-quarters station of Faridpur and Bhanga, and also between that head-quarters and its subdivision Madaripur?

(*b*) Will the Hon'ble the Minister be pleased to state what progress, if any, has been made in the matter of a proposed railway connecting

Faridpur, Bhanga, and Madaripur since the reply given by the Hon'ble the Minister to unstarred question No. 253 put by Babu Bhishmadev Das on the 22nd March, 1922?

(*c*) Are the Government considering the desirability of giving a prior place to this proposed line in the railway programme of the province this year?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Yes.

(*b*) No progress has been made since. The Railway Board are awaiting the traffic prospects report.

(*c*) Government will consider the matter after the Railway Board have accepted the project.

Khan Bahadur Maulvi RAHMATJAN CHOUDHURY: Will the Hon'ble the Minister be pleased to state whether the traffic survey has been finished or not?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I should like to have notice. Unless I make an inquiry I cannot give an off-hand reply.

Railway line from Khulna to Barisal.

***LIX. Khan Bahadur Maulvi RAHMATJAN CHOUDHURY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether the Government are considering the desirability of moving the proper authorities for expediting the opening out of a railway line from Khulna to Barisal?

(*b*) Will the Hon'ble the Minister be pleased to state whether this matter was ever taken up by the Government?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) and (*b*) The member is referred to the reply given to unstarred question No. 177 on the 22nd February, 1922.

Members of local Legislative Council for Bakarganj as [illegible] of Barisal jail.

***LX. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether any member of this Council for Bakarganj has been appointed a non-official visitor of the district jail

as provided for by clause (*l*) of rule 63 of Chapter IV of the revised Bengal Jail Code? If not, why not?

(*b*) Will the Hon'ble the Member be also pleased to state whether any new non-official visitor for the said jail has been appointed since the amendment of the Code?

(*c*) If so, will the Hon'ble the Member be pleased to state the reasons why members of Council were not appointed in conformity with the aforesaid rule?

SECRETARY to GOVERNMENT, FINANCE DEPARTMENT (Mr. A. Marr in the absence of the Hon'ble Mr. H. L. Stephenson): (*a*) and (*b*) Yes.

(*c*) The question does not arise.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: Who is the member of this Council who has been appointed a non-official visitor?

Mr. A. MARR: I must have notice of that question.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: In the answer, it is stated "yes." What is the name of the member?

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): You had your answer. The answer given by Mr. Marr was quite comprehensive.

Honorary physicians and surgeons in Medical College Hospital and Campbell Hospital.

***LXI. Dr. HASSAN SUHRAWARDY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether any steps are being taken to entertain honorary physicians and surgeons—

(*i*) in the Medical College Hospital Group; and

(*ii*) in the Campbell Hospital?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Minister be pleased to state—

(*i*) how many beds are going to be placed in charge of each honorary physician and honorary surgeon; and

(*ii*) what opportunities of clinical teaching and practical work are being extended to what is termed "The Independent Private Medical Practitioners"?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) (*i*)

No honorary physicians or surgeons have been appointed for the Medical College Hospital. The matter is under consideration.

(*ii*) An honorary surgeon and an honorary physician have already been appointed at the Campbell Hospital.

(*b*) (*i*) and (*ii*) The honorary surgeon appointed at the Campbell Hospital has been placed in charge of the Surgical Out-Patients Department including the special Skin Department, while the honorary physician who will have duties as a Clinical Teacher, has been placed in charge of the Out-Patients Department which deals with diseases of the nose, ear, and throat.

No beds at present have been placed in charge of these officers.

They will obtain a wide and valuable experience in those branches of surgery and medicine for which they are made responsible at the Campbell Hospital.

Unstarred Questions

(answers to which were laid on the table).

Outbreak of fire at the All-India Exhibition at Bhowanipore.

357. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the outbreak of fire which has caused the destruction of the exhibits of the All-India Exhibition held at Bhowanipore (Calcutta)?

(*b*) Will the Hon'ble the Minister be pleased to state—

(*i*) what are the causes of the outbreak of fire; and

(*ii*) what punishment, if any, has been inflicted on the persons responsible for the same?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) (*i*) So far as can be ascertained from inquiries made, the fire commenced in a shed on the north side of the Exhibition occupied by K. C. Dey & Sons of No. 96, Lower Chitpur Road. A pressure oil lamp (German) was being pumped up for demonstration purposes. It ignited and set fire to the shed.

(*ii*) As the cause was accidental, this question does not arise.

Clubs in Calcutta conducting lotteries.

358. Mr. H. BARTON: (*a*) With reference to the answers given to my unstarred question No. 61 on the 21st November, 1922, will the

Hon'ble the Member in charge of the Police Department be pleased to state whether the non-enforcement of the provisions of section 294A of the Indian Penal Code is to be taken as an assurance that such clubs will not be interfered with in the conduct of lotteries?

(*b*) If not, what steps, if any, do the Government propose to take to give effect to the provisions of the Indian Penal Code in this respect?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) and (*b*) Government sanction prosecutions under section 294A, Indian Penal Code, when they are advised that the law has been infringed and they consider it desirable in the public interest that a prosecution should be instituted.

Grants for female education.

359. Babu JATINDRA NATH BASU: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware of the fact that the grants passed by the Council in July and August, 1922, for promotion of women's education through non-official agencies have not been made in full?

(*b*) If not, what is the amount remaining unpaid, and what is the reason for the same not being paid?

(*c*) Is the Hon'ble the Minister aware that the grants intended for the Gokhale Memorial School, the Victoria Institution, the Brahmo Girls' School, and the Nari Siksha Samiti have not been made?

(*d*) Is the Hon'ble the Minister aware that the non-payment of the grants is causing inconvenience?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) and (*b*) An amount of Rs. 1,00,000 was voted at the last July session but an amount of Rs. 61,000 has since been retrenched in view of the prevailing financial situation leaving a balance of Rs. 39,000 available for the encouragement of female education. Of this a sum of about Rs. 24,000 has already been paid. Proposals regarding the distribution of the remainder are under consideration. The delay in paying the grants has been due partly to the necessity of discussing possible reduction in the grant sanctioned and partly to the delay in receiving definite proposals.

(*c*) Grants intended for the Gokhale Memorial School, the Victoria Institution, and the Brahmo Girls' School have already been paid. Proposals regarding the grant to be made to the Nari Siksha Samiti are at present under the consideration of Government.

(*d*) There is no doubt that delay in receiving an expected grant causes some inconvenience.

Waiting room at Nimtita.

360. Maulvi SHAH MUHAMMAD CHAUDHURI: (*a*) Is th Hon'ble the Minister in charge of the Department of Public Work aware that great inconvenience is being felt by the public, especiall in the rainy season, owing to the want of a shed or waiting room a Nimtita, a station on the B. A. K. Railway, E. I. R.?

(*b*) Is it a fact that the Railway Company has recently sanctione the erection of a station building at Nimtita without making any pro vision for a shed or waiting room for passengers?

(*c*) If so, are the Government considering the desirability of movin the Railway authority to take up the construction of a waiting roon along with the station building?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI Khan Bahadur: (*a*) No.

(*b*) Government have no information.

(*c*) Government will draw the attention of the Agent to the subject matter of the question.

Facilities and privileges to "bona fide" agriculturists for agricultural education and services.

361. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) whether any special facilities and privileges are provided for sons of agriculturists in the matter of their admission into agricultural schools and services;

(*ii*) how many of them have been admitted;

(*iii*) how many agricultural associations have been formed;

(*iv*) how many *bona fide* cultivators are members of those associations; and

(*v*) what work have the said cultivators done?

(*b*) Will the Hon'ble the Minister be pleased to state what steps, if any, have been taken to redress the grievances mentioned in the addresses presented to the Hon'ble the Minister at Gopalganj by the agricultural associations of Orakandi and other places?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Very special facilities and privileges are provided for the sons of agriculturists in the matter of admission into agricultural schools. Complete details will be found in the prospectus of the

Chinsura School, copy of which is laid on the Library table, but the following outstanding facilities and privileges are mentioned:—

(1) Candidates for admission must be sons of cultivators and they must produce a certificate from the President Panchayat to this effect.

(2) Candidates must declare their intention to continue cultivation on their leaving the school. This condition is a practical means of excluding all except cultivators.

(3) Each pupil receives a stipend of Rs. 20 per mensem. When exceptions are made they do not get stipend.

(4) Each student is provided in the hostel with a bedstead, mosquito-net and all necessary furniture.

In the matter of admission into the services preference will in all cases be given to the sons of *bona fide* cultivators who have passed through the schools.

(*ii*) Seventy-six students were admitted during the year 1922 in the two schools of Dacca and Chinsura of whom 60 are sons of agriculturists.

(*iii*) There are 613 agricultural associations in Bengal.

(*iv*) Government have no exact information but a large number of the members are *bona fide* cultivators.

(*v*) Reference is invited to the Departmental Annual Report.

(*b*) Action is being taken so far as practicable, in regard to such of the items, referred to in the addresses, as fall within the scope of this department.

Defalcations by head cashier of Calcutta Police Courts.

382. Mr. AJOY CHUNDER DUTT: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing the amount of defalcations of Government money by the head cashier of the Calcutta Police Courts?

(*b*) If the audit is not finished, are the Government considering the desirability that the audit should be continued from the date on which this cashier took charge of the treasury?

(*c*) Will the Hon'ble the Member be pleased to state whether the accounts and cash of this court were checked and verified daily as directed by the High Court circulars?

(*d*) If not, will the Hon'ble the Member be pleased to state what steps, if any, are the Government taking against the officer or official entrusted with the checking and verification of accounts?

(*e*) Will the Hon'ble the Member be pleased to state—

(*i*) what steps are being taken for the realization of the loss sustained by this embezzlement, and

(*ii*) what steps are proposed to be taken to prevent a recurrence of such losses in the future?

(*f*) Will the Hon'ble the Member be pleased to state what is the usual procedure adopted by Government for compensating itself for losses sustained by the negligence or carelessness of its officials?

(*g*) Will the Hon'ble the Member be pleased to state whether all precautions as laid down in the Board's circular orders and in Government orders with regard to the appointment of a cashier and with regard to the daily verification of accounts were observed, and whether bonds or sufficient securities in accordance with the Board's circular orders were taken from the cashier?

(*h*) Will the Hon'ble the Member be pleased to state—

(*i*) how many inspections were made by the head of the department monthly in the cash and account departments, and

(*ii*) whether the Government were satisfied that all the rules as laid down in Board's Inspection Manual were observed?

(*i*) If the Government were not satisfied, will the Hon'ble the Member be pleased to state the reasons for this?

(*j*) Will the Hon'ble the Member be pleased to state whether there was an application of the head of the department recommending the then chief ministerial officer for a loan for the purchase of land in Calcutta and whether the said application was refused?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) The exact amount has not yet been ascertained.

(*b*) The audit has been finished but the audit report has not been received yet.

(*c*) and (*d*) So far as information has been received the High Court rules were followed but until the final report is received no more definite statement can be made.

(*e*) (*i*) Government are awaiting the completion of the inquiry and the result of the appeal by the cashier.

(*ii*) Steps have been taken to prevent a recurrence of such losses.

(*f*) There is no uniform procedure. It depends upon the circumstances of each case.

(*g*) and (*h*) (*a*) The Board's rules and circulars do not apply to the Presidency Magistrate's courts. Security was taken from the late casnier the amount fixed being at the time of his appointment considered sufficient to cover the amount that was likely to remain in his hands at one time and in consideration of the amount of his pay.

(*h*) (i) The Chief Presidency Magistrate who is the head of the department does a portion of the accounts work himself and maintains a general supervision over the officers of the cash and accounts department. The actual checking of accounts and cash is done by the Magistrate in charge.

(*i*) Does not arise.

(*j*) The previous Registrar applied for a house building advance under Government rules. His application was recommended by the Chief Presidency Magistrate but the application was refused by Government.

Decision by the Senate on Government grant of Rs. 2,50,000 to Calcutta University.

383. Mr. AJOY CHUNDER DUTT: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether Government have received any communication from the Calcutta University relative to the decision taken by the Senate on the 2nd December last, and, if so, will he be pleased to lay on the table a copy of the letter containing such communication?

The Hon'ble Mr. P. C. MITTER: Yes. A copy is laid on the Library table.

Military assistant surgeons in civil employ.

384. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of military assistants who were employed during 1922 as Civil Surgeons, or as Superintendents or as Assistant Surgeons in various capacities under the Bengal Government?

(*b*) Will the Hon'ble the Minister be pleased to state whether any saving of expenses has been effected by employing these military assistants in preference to civil assistant surgeons?

(*c*) Is there any arrangement with the Government of India under which the Government of Bengal maintain a certain number of these military assistants during peace time?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The following 33 appointments were held by military assistant surgeons during 1922:—

(1) Civil Surgeoncies (Permanent)	...	4
(2) Civil Surgeoncies (Temporary)	...	1
(3) Superintendent, Presidency Jail (Officiating)	...	1

(4) Superintendents (Juvenile Jail and Leper Asylum)	...	2
(5) Assistant Superintendents	...	3
(6) Deputy Superintendents	...	3
(7) Assistant Director, School of Tropical Medicine	...	1
(8) Certifying Surgeon of Factories	...	1
(9) His Excellency the Governor's Staff Dispensary	...	1
(10) Police Training College, Sardah	...	1
(11) Demonstrators of Practical Pharmacy, Medical College	...	2
(12) Assistant Health Officer, Port of Calcutta	...	1
(13) Resident Medical Officer, Eden Sanitarium and Hospital, Darjeeling	...	1
(14) House Surgeons, Presidency General Hospital	...	5
(15) Medical Officers, Eastern Bengal Railway	...	6
Total	...	33

(*b*) No.

(*c*) Yes.

Suspension of a mukhtear of Pabna.

385. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware—

(*i*) that the proceedings for suspension of practice has been drawn up by the Sadar Subdivisional Magistrate against Babu Krishna Chandra Bhaumik, a mukhtear of Pabna;

(*ii*) that Krishna Babu applied to the District Judge of Pabna for renewal of his license enclosing a certificate from a Deputy Magistrate of Pabna with his application for renewal; and

(*iii*) that the District Judge of Pabna signed his renewed license but on the representation of the Sadar Subdivisional Officer of Pabna has withheld the same and has asked Krishna Babu to show cause why his certificate should be renewed?

(*b*) Will the Hon'ble the Member be pleased to state how has the renewal of the application of Krishna Babu been finally dealt with?

(*c*) Is it a fact that on the recommendation of the Sadar Subdivisional Officer, the District Magistrate has suspended Krishna Babu until further notice from 3rd January, 1923?

(*d*) Is it a fact that that gentleman was suspended first and proceedings were drawn afterwards?

(*e*) Is it a fact that Krishna Babu was refused a copy of notice or proceedings on application?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) Proceedings under section 14 of the Legal Practitioners Act has been drawn up against the mukhtear by the Sadar Subdivisional Magistrate.

(*ii*) Yes.

(*a*) (*iii*) and (*b*) The District Judge withheld the license when he was informed of the suspension of the mukhtear by the District Magistrate. The District Judge informed the mukhtear that the certificate cannot be issued until the order of suspension was set aside or cancelled.

(*c*) Yes.

(*d*) The order for suspension was passed on 3rd January. The actual proceeding was drawn up next day.

(*e*) No.

Bidyadhari river.

388. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether it is a fact that Mr. Addams-Williams maintained that the decay of the Bidyadhari river was due to the contraction of its spill area;

(*ii*) whether it is a fact that in 1913, Mr. Oswald Lees maintained that the decay of the river was caused, at least in part, by the Dhappa lock and the contiguous canal system cut across the headwaters of the river;

(*iii*) whether it is true that Mr. Lees predicted that any attempt to save the river by opening spill areas would fail;

(*iv*) whether it is a fact that his prophecy has been fulfilled; and

(*v*) whether it is a fact that in spite of Mr. Lees' expert criticisms the views of Mr. Addams-Williams were adopted and a considerable spill area was restored to the river and a Committee of leading Engineers was appointed to watch the result?

(*b*) Did this Committee submit its first report in 1918? Was it sanguine?

(*c*) Was the second report of the Committee submitted in 1919 and did this report claim that the operations have prevented deterioration?

(*d*) Did this Committee report in 1921 that their hopes of improvement had been disappointed?

(*e*) Did the Committee then say that nothing but active dredging operations can give the river a respite?

(*f*) Do the experts responsible for the policy adopted now declare that the condition of the river is beyond hope?

(*g*) Is it a fact that measures for the restoration of the river since 1913 have failed?

(*h*) What do the Government now propose to do for a suitable outfall for the Calcutta drainage?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The opinion that the deterioration of the Bidyadhari is due mainly, if not entirely, to the contraction of the spill areas, has been held by all experts including Mr. Addams-Williams who have investigated the causes of the silting up of the river.

For the rest of the questions the member is referred to the Press *Communiqué* issued by Government on the 21st December, 1922, and which appeared in the daily papers of Calcutta on the 27th idem.

Investigation into adequacy of subways under railways in Bengal.

367. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the investigation said to have been undertaken by experts, on official initiative as to the adequacy or otherwise of subways under railways in Bengal, has been completed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Minister be pleased to state the result of the investigation or lay on the table a copy of the report on the investigation?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) The member is referred to the reply given to his question No. 93 at the Council meeting of the 24th January last.

Primary schools under Mr. Biss's scheme.

368. Babu RISHINDRA NATH SARKAR: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether any primary school under the new scheme has been opened in the district of Bankura?

(*b*) If so, where has that school been opened?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*) Eleven schools in accordance with Mr. Biss's scheme have been sanctioned for the four Unions at Indas, Patrasair, Sanbanda, and Bikna in the district of Bankura.

Baral river.

369. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware that the mouth of the river Baral in the district of Pabna is silted up?

(*b*) Will the Hon'ble the Member be pleased to state whether there have been any projects before the Government during the last 20 years to dredge the silted portion so as to make the river navigable?

(*c*) If so, will the Hon'ble the Member be pleased to make a statement as to the decisions of the Government on those projects?

(*d*) Are the Government aware that the Pabna District Conference held in June, 1920, presided over by Sir Asutosh Chaudhuri passed a resolution recommending the undertaking of the dredging operations at the source of the river Baral?

(*e*) If no projects have been submitted, are the Government considering the desirability of drawing up an estimate for these dredging operations?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) No.

(*c*) The question does not arise.

(*d*) and (*e*) No.

Government Bill.

The Calcutta Municipal Bill, 1921.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that the Calcutta Municipal Bill as revised by the Select Committee be taken into consideration. In making this motion, I desire to address an appeal to my colleagues of the Legislative Council. The task before us is one of great magnitude and entails a heavy responsibility. The Bill is one of the biggest that has ever been laid before any Legislative Council. It comprises 544 sections with sub-sections and provisos, some of them dealing with technical matter of a highly complicated character. We have received notices of over 800 amendments—the exact number is 841. I do not say this by way of complaint. From the Government point of view it is a matter of just satisfaction for it testifies to the general interest which the Bill has evoked and it will ensure a thorough discussion. The Bill is a difficult and complicated one, as you, Sir, have rightly observed, and covers wide, divergent, and I may add, conflicting interests. The more searching the examination is, the greater is the chance of the avoidance of all

mistakes and the safeguarding of all interests. But at the same time I cannot conceal from myself the fact that the Bill has formed the subject-matter of keen and even animated controversy, the echoes of which have been heard in whispers in our own lobbies. That being so, I pray that our deliberations may be so conducted that they may not offend against the amenities of debate and may not be inconsistent with the canons of decorum and dignity, which add to the charm of our public life and which should always be observed. I am encouraged to make this appeal by what I know of the conduct of this House in the past in similar situations and its earnest solicitude to build up a body of traditions which will make the Bengal Legislative Council, as has been observed by Mr. Villiers, a model for the rest of India. The business before us is heavy and I do not wish to stand between the House and the consideration of the amendments. I have no desire to enter into details. They will be considered when the amendments are moved. With these words, I beg to move that the consideration of this Bill be taken up by this Council.

The motion was put and agreed to.

Mr. PRESIDENT: Order, order! It may shorten debate and prevent misunderstanding, if I inform hon'ble members of the manner in which I propose to deal with this somewhat complicated Bill.

The Bill will not be put to the Council clause by clause, that is to say, I shall not put the motion that each clause "stand part of the Bill." My reason for doing so is that in a complicated Bill of this nature, it will be found that there are consequential amendments to be made in earlier clauses consequent on the decisions of the House in regard to later clauses. Where the House has decided a question (of which I am the judge) I shall not permit the House to go back on its own decisions or allow any discussion leading to a reversal or modification of such decisions. I shall simply put the amendments to the Council in a manner in which it is most convenient to dispose of this measure and shall finally call upon the Hon'ble Member in charge to move that the Bill, as settled by the Council, be passed.

In dealing with various main questions, such as the extension of Calcutta, the constitution of the Corporation and the like, I shall take up the schedules in conjunction with the main clauses to which they relate, so as to avoid a double debate on the same question of principle. In certain instances where, for example, an amendment to a definition is only suggested with reference to an amendment to an operative clause, I may take up that definition with the operative clause in question. The object of the Chair will be to keep the issues in any particular debate as clearly as possible before the House.

In particular I invite the attention of the House to the procedure which will be adopted in dealing with the question of the extension of

Calcutta. This debate will come on to-day. I shall call upon Mr. Syed Nasim Ali to move his amendment No. 2 to which he has a large number of consequential amendments. I shall then call upon Mr. S. Mahboob Aley, Shah Syed Emdadul Haq and Babu Hem Chandra Nasker to move amendments Nos. 14 to 16 and on Mr. Deputy-President to move amendment No. 17. These amendments deal with the exclusion of certain areas which have been included by the Select Committee within the jurisdiction of the Calcutta Corporation. I shall then call upon Babu Surendra Nath Mallik and Raja Reshee Case Law to move amendments Nos. 10 and 11 and Mr. Stuart-Williams to move his amendment No. 12. The debate will then proceed first on the question of the inclusion or exclusion of Maniktala. When that debate is brought to a close, I shall put amendments Nos. 14 to 16 to the vote. The next debate will be on the question of the inclusion or partial inclusion of Garden Reach. In that connection I shall call upon Mr. Stuart-Williams to move his amendment No. 18 and the debate will proceed on amendments Nos. 17, 18 and 12. No. 17 will then be put first, and if it is carried, then No. 18. No. 12 will be put, if amendment No. 17 is lost. The next debate will be on the question of the inclusion of Cossipore-Chitpur, and at the end of that debate amendments Nos. 10 and 11 will be put. Finally, if amendments Nos. 14 to 17 are carried, and amendments Nos. 10, 11, 12 and 18 are lost, I shall put Mr. Syed Nasim Ali's amendment No. 2. Otherwise that amendment automatically fails.

When the Council has come to the conclusion as to what areas are to be included within Calcutta, I shall adjourn the consideration of this question to enable Government to scrutinize carefully the various drafts of Schedule I, so that due effect may be given to the decision of the Council.

One other point remains. It relates to the power of the Government contained in clause 533A to include in certain circumstances additional areas within Calcutta. That section is linked with the definition of "Calcutta" in clause 3 of the Bill. The Government of India are considering a reference made by the Local Government in regard to the previous sanction to the clause as amended in the Select Committee, the wording of that clause being unsatisfactory from a constitutional standpoint. If, therefore, the orders of the Government of India in regard to clause 533A have not been received by the time that this Government have scrutinized the various drafts of Schedule I, I shall take up only that portion of the definition of "Calcutta" which does not deal with this particular power of the Local Government and shall ask the House to consider it in connection with Schedule I. If the orders of the Government of India are received in time, I shall ask the House to consider the whole definition of "Calcutta" and to dispose of clause 533A simultaneously with Schedule I, and the definition in clause 3.

CLAUSES 1—3.

Raja RESHEE CASE LAW: I move that in sub-clause (*2*) of clause 1, line 2, after the word " Calcutta " the words " as defined in this Act," be inserted.

My reason for moving this amendment is to make the terms of the section clear and explicit and to remove all doubts that may arise on account of the use of the word " Calcutta " in the preamble and in the expression " area added to Calcutta " in a sense different from the meaning which the Act wishes to impose on it.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): The Government recognize the anxiety of the Raja Sahib to make the Act as perfect as possible and if we thought that these words were necessary we would gladly have adopted them. The Raja Sahib will observe that Calcutta is expressly defined in the Act and it is unnecessary wherever the word Calcutta occurs to add the words " as defined in this Act." The very purpose of defining the word " Calcutta " is to enable the drafters to use it with a specific meaning and no one can possibly interpret Calcutta in this Act as meaning anything else but Calcutta as defined in sub-clause (*10*) of clause 3. In these circumstances I hope the Raja Sahib will withdraw his amendment as we are advised that it is unnecessary from the drafting point of view.

Raja RESHEE CASE LAW: I beg leave to withdraw my amendment.

The amendment was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I call upon Mr. Syed Nasim Ali to move his amendment No. 2 and consequential on this amendment are amendments Nos. 3, 13, 97, 101, 133, 224, 390- 392, 667, 679, and 725 standing in his name.

Mr. SYED NASIM ALI: I beg to move that in clause 1 (*3*) proviso, lines 11 and 12, the words " including the area added to Calcutta" be omitted.

The object of my amendment as is obvious is not to increase the boundaries or the area of the Calcutta municipality. I am opposed to this not because I want to support my position by abstruse principles of political philosophy or high ideals of self-government. I look at this question from a practical standpoint. I would not enter into the debatable points of political philosophy and of political philosophers, but I would not say that the greater the area of local self-governing bodies the further and better for the self-government of the country. There is again another class of thinkers who are of opinion that the

lesser the area the better, the smaller the area the better the administration; the smaller the area the greater the interest which the people do take and can take. These are questions of political philosophy and high ideals of self-government. But we all know that the life of law is not logic but experience. It is experience which must guide us in legislation. Now the extension of the area can be supported if we find that this extension will benefit the Calcutta Corporation as well as the added area. If both are benefited, certainly the area ought to be added.

I shall first take up the case of Calcutta itself and shall consider how Calcutta would be benefited by the extension of this area. I find from the reports of the Calcutta Corporation which have been circulated to us that Mr. Payne, ex-Chairman of the Calcutta Corporation, was of opinion that this addition of Maniktala would throw a good deal of burden upon the finances of the Corporation of Calcutta. That is a question which must be seriously considered. The money will have to be provided by the ratepayers. If the addition of Maniktala entails more expenditure, the burden goes on increasing and the taxpayers will have to pay it. Further, I also find from the said report of the Calcutta Corporation, that if Maniktala is to be included and the drainage scheme has got to be taken up, it would involve an expenditure of about Rs. 30 lakhs. Imagine that Rs. 30 lakhs would be required for the drainage scheme of Maniktala municipality. Then, there are other necessary expenses which will have to be met. This is a very serious matter which has got to be considered. In my opinion, the area, if added, would be too big for administration. It would be very difficult for one executive officer to pay so much attention to this vast and extensive area. I am not unmindful of the indomitable energy of our present Chairman, but at the same time we cannot expect to have always men of a similar type at the head of affairs. To my mind it seems that it would be a very heavy task for one executive officer.

Then look at the finances of the Corporation. What is the present state of the financial condition of the Calcutta Corporation? I find from the reports of the Calcutta Corporation that its finances are not at all on a satisfactory basis. While the scissors of retrenchment are making their operations everywhere, the Calcutta Corporation is gradually extending its wings and increasing its expenditure.

Raja RESHEE CASE LAW: That is not correct.

Mr. SYED NASIM ALI: We do not find as yet any methods of retrenchment which the Calcutta Corporation wants to take up seriously for curtailing its expenses, but on the other hand the Calcutta Corporation is about to increase its expenses. I am told that two crores of rupees are necessary for the new water scheme. I am further told that

one crore of rupees is necessary for the drainage outfall and the Calcutta Corporation has committed itself to this heavy expenditure. In view of the present financial condition of the Corporation and of its heavy commitments, is it desirable that the burden of the Corporation should be any further increased? That is a point which this House will seriously consider. Then, it is also well known to everybody that the Calcutta Corporation with all its resources could not float a loan.

Rai FANINDRALAL DE Bahadur: Question!

Mr. SYED NASIM ALI: I find it from the proceedings of the Calcutta Corporation. My position is strengthened by the report of the Corporation. [A voice: Question! Question!]

Mr. PRESIDENT: I must ask that this conversation shall cease. The hon'ble member must be allowed to make his speech without interruption.

Mr. SYED NASIM ALI: I am told that the Calcutta Corporation could not float a loan on account of its financial difficulties. I do not know what credit it has got in the eyes of the public. The fact is that the financial condition of the Corporation is not good. The question is whether the Calcutta Corporation ought to increase its expenses. That is the long and short of the whole question. If this heavy expenditure is undertaken, the Calcutta Corporation will have to find out the money; the ratepayers are already groaning under heavy taxation. The rates will have to be increased. Perhaps the Calcutta Corporation will then follow the method of this House to meet its deficit, viz., by taxation, fresh taxation. It is to the interest of the ratepayers to see that more heavy burdens are not placed upon the finances of the Corporation. Our Chairman of the Corporation is the democrat of democrats. Our Minister in charge of Local Self-Government is the father of democracy in this country. I appeal to him on behalf of the ratepayers to consider whether the entailment of further expenditure will not seriously affect the ratepayers and the public at large.

The question is as to how and to what extent the Corporation is going to be benefited. My conviction is that the Calcutta Corporation cannot be benefited by it. Let us now look to the other municipalities or rather the areas to be added and see how they will be benefited. It is said that there are many people who are in favour of amalgamation. On the other hand, it is also maintained that there are many who oppose it. The question which I would leave to the House to decide is whether the majority or the minority of the ratepayers of the added areas are in favour of amalgamation or not. I would stop short there. Then, the further question is as to how far these added areas would be benefited. It would appear that as soon as these areas are added, the rates

will be increased. Would they get the corresponding benefit? Do they expect to get a corresponding return for the increase in taxation? In this matter I cannot but repeat again what I have said, namely, that the life of law is not logic but experience. Let us go back to the year 1888 when the suburban areas were added to the Calcutta municipality. What do we find? We find that a large tract of land was included within the Calcutta Corporation with a solemn pledge that this area would be placed on the same footing as the rest of Calcutta as it then existed. I find from the report of the Calcutta Corporation that all the gray-haired and gray-bearded commissioners of the Corporation opposed the proposal for amalgamation in the course of the debate, and that it was generally those that were young in age that supported the amalgamation. If the life of law is logic and not experience then my friend who says "hear, hear" (Mr. D. C. Ghose) is certainly right, but if the life of law is not logic but experience, I would attach the greatest weight to the opinion of the gray-haired commissioners of the Corporation. Sir, Kulderpore or rather Ekbalpur, Ballygunge, wards Nos. 23 and 24 did not get the same improvement which they should have got long, long ago. This area was included within the Calcutta Corporation in the year 1888, but until Mr. Grey, the late Administrator-General of Bengal, took it into his head to improve the Alipore area, it was a place full of jungles with big mosquitoes and jackals howling everywhere.

[At this stage the speaker reached the time-limit but was allowed by the Hon'ble the President to continue for two minutes.]

We all find that though the Calcutta Corporation included that area all along it did not spend sufficient money as they should have done. Therefore, the people of the Maniktala municipality and the people of the added area ought to think it over twice before they give their consent to this amalgamation. Sir, my idea is that though the Calcutta Corporation may enter into an obligation to pay three lakhs of rupees yet it would be difficult for them to pay it. I do not find any suggestion that they agreed to pay three lakhs a year. In fact there was a heated discussion in the Council and they did not agree to pay. My position is that previous arrangements had been neglected and if these areas are included, then their fate would be similar, and they will not get a sufficient return for the amount of taxes which they will have to pay.

Mr. S. MAHBOOB ALEY: I move that clause 3 (*a1*) (*1*) be omitted.

The short time at our disposal to get through the Bill compels me to confine my remarks to some salient points as they affect my community and the poor people in general.

First of all, let me touch upon the most important question of the amalgamation of the Maniktala municipality. I am strongly opposed

to the idea of amalgamation. The reasons in support of my amendments relating to this question are:—

(*1*) The Chairman of the Calcutta Corporation in his note, dated the 1st December, 1922, submitted to the Committee appointed by the Government to consider the extension of the boundaries of the Calcutta Corporation a scheme for the amalgamation of Cossipore-Chitpur and Maniktala municipalities basing his proposals on the joint finances of the said two municipalities showing that even on the existing valuation of the two municipalities the Corporation can borrow fifty lakhs without taking into account the considerable increase in valuation which may be expected to occur in the near future if the areas were amalgamated. Now, of the two municipalities, Cossipore-Chitpur municipality has greater income; but as both the Government Committee and the Select Committee have not recommended the amalgamation of the Cossipore-Chitpur municipality the scheme prepared by the Chairman of the Corporation falls through and the amalgamation of only the Maniktala municipality will be a heavy burden on the existing state of finances of the Corporation; and it is also a settled fact that the Calcutta Corporation can only be expected to do very little for the newly added area for a number of years to come as admitted by the Chairman in paragraph 7 of his note mentioned above.

(*2*) The Government Committee presided over by no less a personage than the Hon'ble the Advocate-General, Bengal, recommended the amalgamation of the Maniktala municipality expressly and solely on the condition that a statutory obligation be placed upon the Calcutta Corporation to spend an average of three lakhs of rupees a year over and above the amount realized as revenues from Maniktala until such time as the Government was satisfied that the more urgent improvements had been carried out. While recommending the amalgamation the Government Committee went so far as to state that they considered the imposition of the statutory obligation of great importance and an integral part of their proposals. Without this statutory obligation they were not prepared to recommend the amalgamation, as the said obligation so forcibly imposed has neither been accepted by the Corporation of Calcutta nor recommended by the Select Committee and as such the amalgamation ought not to take place. It is highly objectionable that higher rates of taxes be imposed with no corresponding benefit.

(*3*) The provisions for statutory liability of the Calcutta Corporation that has been made in section 96B of the Act, viz., that the Corporation shall, beginning from the third year after the commencement of this Act, spend annually for ten years a sum of not less than one lakh of rupees on the execution of original improvement works within the area which formed the Maniktala municipality before the commencement of the Act can be satisfied by the Maniktala municipality itself inasmuch as there will be two general revisions of assessment during the

next ten years which would enable the commissioners to set apart easily a lakh every year for original improvement works from their ordinary increased income, which again will increase the borrowing capacity of the municipality, and if any year the money cannot be so provided for from the ordinary income the same can be arranged for by raising a loan.

(*4*) Those people who cannot afford to live in Calcutta owing to high standard of living prevailing there live in Maniktala. As there should be a place adjacent to Calcutta for poorer classes of people to live, this amalgamation will mean nothing but driving away those people to more distant places causing serious inconveniences to them. Thus the labour problem of Calcutta will be surely affected to a certain extent if Maniktala is to have the same high standard of municipal administration as that of Calcutta.

(*5*) Moreover, the amalgamation, at a time when greater freedom towards self-government is being given to people, is directly opposed to the present policy of the Government.

The substitution of a single centralized authority for small and separate institutions of Local Self-Government should not be given effect to without reasons of undoubted and paramount utility which do not exist in the present case as the amalgamation on the terms proposed will give Maniktala nothing except some additional taxation.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali against the amalgamation of the Maniktala municipality with the Calcutta Corporation.

The translation of his speech is as follows:—

Fusion of a small thing with a large one brings about disaster in the long run. Friendship with one who is superior to one in status and position means in other words slavery. Therefore, the amalgamation of the Maniktala municipality with the Calcutta Corporation will be perilous. The condition of the Maniktala municipality will not be bettered in any way. On the contrary, the Corporation of Calcutta will be much benefited. I do not, therefore, consider it prudent that the Maniktala municipality should come under the Calcutta Corporation.

Babu HEM CHANDRA NASKER: The Maniktala municipality of which I have the honour to be one of its ratepayers, was created in the year 1889, before which it was a part of the late Suburban municipality. The proposal of the further extension of the boundaries of Calcutta up to the Suburban municipalities, is open to the fundamental objection that it is calculated to defeat one of the primary object of the Reforms Act, firstly, by creating a single centralised authority, for the administration of an area, which would be too large for purposes of local

self-government; and secondly, by depriving the people of the suburban area of the right of administration of their local affairs, which they have been enjoying ever since its creation. The policy of Lord Curzon, the late Viceroy and Governor-General of India, was a policy of centralization, but it was found fault with and a Royal Commission was appointed and the policy of decentralization was advocated by the members of the said commission which presented its report in the year 1909. The present Reforms are the outcome of the same. On the 20th August, 1917, the Secretary of State for India made the memorable announcement in the House of Commons by which larger powers were given to the people to administer their local affairs, a step towards the gradual development of local self-government. In pursuance of the said policy of devolution and to give effect to His Majesty's wishes, the local governments are creating union boards—

Mr. PRESIDENT: I do not think you need go into a recital of the history of the Reforms. You have got a very definite amendment to speak upon. The Reforms have nothing to do with the extension of the area of the Calcutta municipality.

Babu HEM CHANDRA NASKER: Maniktala is going to be included in Calcutta, not for the benefit of the people of Maniktala, but for the interest of Calcutta. This transpired in the meeting of the Calcutta Corporation held on the 9th January, 1923. The reason assigned is that the people from Calcutta will go and live at Maniktala and so the development of that area is necessary. The area added to Calcutta in the year 1889 has still been left undeveloped, and I fail to understand how Maniktala will be improved if it is added to Calcutta. The conditions of Tengra, Ballygunge and Kamardanga sides are not unknown to us. If these areas are improved, enough accommodation will be made for a large number of people to live there. The real thing is that the loan capacity of Calcutta is almost exhausted. This appears from the note of dissent of Babu Amulya Dhone Addy and also from the notes dated the 1st December, 1922, of Babu Surendra Nath Mallik, the acting Chairman of the Corporation of Calcutta, on the question of amalgamation of Cossipore-Chitpur and Maniktala municipalities with Calcutta. The note says that the present total revenue of Cossipore-Chitpur and Maniktala is about Rs. 7 lakhs. The acting Chairman expects an increment after the amalgamation and assesses the revenue at Rs. 12¾ lakhs of rupees. After spending Rs. 8¾ lakhs a margin of Rs. 4 lakhs will be left, which will enable the Corporation to raise a loan of Rs. 50 lakhs. So this is the only reason why the Corporation of Calcutta is so very keen to include Maniktala and other areas.

Another reason assigned is that Maniktala is not, but will be, a menace to the health of Calcutta; so its amalgamation is necessary for its sanitary improvement. In order to provide better sanitation for an

area, there must be better drainage, better roads, more adequate water-supply and better means for the disposal of night-soil, besides other necessities. No doubt, Maniktala is dependent on the Calcutta Corporation for its water-supply, but the Corporation is also dependent on several municipalities for the same. I ask the acting Chairman of the Corporation, the worthy disciple of the worthy Guru, the Hon'ble the Minister of the Local Self-Government, to explain how the menace to the health of Calcutta will be removed by the inclusion of Maniktala. The inclusion of Maniktala, on the other hand, will be a still greater menace to the health of the city, as it will expose it direct to the most insanitary villages and the salt lake without any smaller municipality intervening between it. There must be a limit somewhere and it is most desirable that it shall be bounded by smaller municipalities on all sides.

Now let us consider the question of drainage. According to the statement of the Chairman of the Corporation, the drainage itself will cost about Rs. 30 lakhs. Is it possible for the Corporation to take up such a scheme within a reasonable time, say, 10 years, considering its financial difficulty? Moreover the statutory obligation will remain in force for 10 years, to commence from the third year after amalgamation. Can anybody fairly expect that the Corporation will spend more than Rs. 10 lakhs stipulated in the Bill for the improvement of Maniktala without recouping the amount?

The statutory obligation as agreed upon by the Corporation is this:—"The Corporation shall, beginning from the third year after the commencement of this Act, spend annually for 10 years a sum of not less than one lakh of rupees on original Improvement Works." The words "Original Improvement Works" have not been defined and the expenditure will depend on the sweet will of the councillors of Calcutta. If there be no original improvement work, no money will be spent. The drainage scheme cannot be taken up without a large capital in hand. The contribution of one lakh of rupees, so generously promised by the Corporation, can be easily refused by Maniktala, as it will be able to spend the said sum of one lakh of rupees on the original improvement works, if any, after three years, because the general revision of assessment will take place then.

The present beauty of Calcutta is due to the operations of the Calcutta Improvement Trust alone. Who is not aware of the conditions of Bhowanipore, Kalighat, and Garpar before the Improvement Trust came into force? The operations of the Improvement Trust Act have also been extended to Maniktala and I can confidently assert that Maniktala will be in a position to maintain the improvements, if worked out by the Trust.

Owing to the increase in land value and rate of rent in Calcutta, many poor Hindus and Muhammadans have taken shelter in Maniktala by constructing huts there. The inclusion proposed, if effected, will

consequently cause an increase in the value of land and rate of rent in Maniktala, and will thus force the poor Muhammadan ratepayers of Maniktala to leave the place again and will put them to the greatest trouble possible. Who will stand by these poor Muhammadans who will then be in hopeless minority in the New Council of the Corporation?

There are several mills, factories, workshops, etc., within the Maniktala municipality, mostly owned by Europeans. They occupy large areas and make a large contribution to the income of the municipality. The Hon'ble the Minister of Local Self-Government has definitely stated his policy as regards allowing these mills, factories, etc., remaining within the city in his speech in connection with the debate on the Rent Act. Now, if Maniktala be included, the fate of these firms will be sealed and a heavy loss of income will be the inevitable result, if these good European ratepayers are forcibly removed from Maniktala.

Lastly, Sir, it appears from the recommendations of the Government Committee that some people of Maniktala advocated the amalgamation. Is there a single Muhammadan amongst them? I think there is none. These people may be classified as follows:—

Persons living in tenanted houses. They think that after amalgamation, the Calcutta Rent Act will be extended to Maniktala and that they will be to a certain extent safe from the so-called tyranny of their landlords.

Persons, who have purchased small plots of land, at a very low price, think that land value, etc., will increase and they hope to make a big bargain.

A few discontented people are to be found in all municipalities.

I appeal to the Hon'ble the Minister for Local Self-Government not to include the Maniktala municipality to Calcutta. I also appeal to him not to put to any further trouble, the poor people who have taken shelter there. I appeal to my colleagues and to my Muhammadan friends in particular to stand by their co-religionists, and lastly, I appeal to the non-official European and other members to stand by the European ratepayers of the municipality.

With these words, I support the amendment.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I move that clause 3 (*a1*) (2) be omitted.

I represent not only the Dock Extension area which is sought to be amalgamated within the municipality of Calcutta but also the whole of the area which is sought to be amalgamated, namely a portion of Garden Reach and also the whole of Maniktala in this Council, and I have been representing their interests here for the last 11 years. I think I know, or at least I am expected to know, something of their needs and requirements. The question of the amalgamation of the

Dock Extension area and of Maniktala and portions of Garden Reach as well as the Cossipore municipality has been treated all along by Government as represented by the Hon'ble the Minister for Local Self-Government as one entire question. In 1921, a Conference on this subject was held at Writers' Buildings in the Hon'ble the Minister's room, and I should like to read a few lines from the proceedings of that Conference because they are intimately connected with this question before us now. I quote from the proceedings of that Conference:—

Before the Conference began the Hon'ble the Minister discussed informally the question of the revision of the boundaries of Calcutta with the Chairmen and the Vice-Chairmen of Cossipore-Chitpur and Maniktala municipalities and the Chairmen of the South Suburban, Garden Reach, and Tollygunge municipalities.

As Chairman of the South Suburban municipality, I was present there. I then find in the proceedings:—

Then the representatives of the Calcutta Corporation having arrived, the Hon'ble the Minister explained to them that the suburban municipalities concerned were all opposed to any extension of the boundaries of Calcutta. He himself was advised that it was contrary to the true spirit of Local Self-Government to allow a smaller municipality to be swallowed up by a larger one against their wishes. He was afraid that as the suburban municipalities were not large, their representatives would constantly be in a minority on the Corporation and would be able to exercise no effective voice in asking for the necessary provision for matter of Local Self-Government.

After this Conference a wish was expressed by the Hon'ble the Minister to go and see for himself the Dock Extension area as well as that portion of Tollygunge which is sought to be included. I was with him all along. The representatives of the Tollygunge municipality were also present as were also the Chairman and the Vice-Chairman of the Garden Reach municipality. The Hon'ble the Minister then expressed the opinion that it was necessary to amalgamate a portion of Tollygunge, but that as regards the Dock Extension area that was out of the question. Then came the second stage in the drama—the Calcutta Municipal Bill was introduced in this Council on the 22nd November, 1921, and I quote from the speech which the Hon'ble the Minister delivered while introducing it:—

There were further proposals made by the Corporation for the inclusion of a considerable area in the suburbs consisting of Cossipore-Chitpur, Maniktala, Garden Reach, and some other outlying municipal areas within the limits of Calcutta. I invited the Chairmen and Vice-Chairmen of these municipalities to the Conference to which I have referred and I ascertained from them that they and their constituencies were entirely opposed to this change. I explained to them at the Conference and I repeat what I then said that the Government would not favour these changes if they went wholly and decisively against the wishes of the people concerned. I have some knowledge of the effervescence of feeling which is apt to be caused by alterations in boundaries made against popular wishes.

I think he had in mind the partition of Bengal.

I felt that in view of the opposition that was offered, we should abandon the proposals put forward by the Corporation save in respect of the small area in the Tollygunge municipality which I have already mentioned.

This was the opinion expressed by the Hon'ble the Minister at the time of introducing the Calcutta Municipal Bill. After that, I think there must have been some difference of opinion in the Government, and to strengthen the hands of Government a Special Committee was appointed presided over by the Advocate-General of Bengal, a most disinterested person, Rai Bahadur Dr. Sarat Chandra Banerji, the President of the Calcutta Improvement Trust Tribunal, and Mr. Woodhead, the first Land Acquisition Collector of Calcutta, who was for some time also an Additional Judge of the 24-Parganas. So we had a Committee composed of these three eminent gentlemen to consider the question whether Maniktala or Cossipore-Chitpur or whether any portion of the Dock Extension area should be included in Calcutta. Now, what was the opinion of that Committee? That Committee, no doubt, recommended that with regard to the Cossipore-Chitpur municipality, this municipality should not be included in Calcutta, but as regards Maniktala, it recommended that if the Calcutta Corporation were in a position to spend Rs. 3 lakhs on its improvement from its coffers, then it could be amalgamated, otherwise not. As regards the new Dock Extension area the Committee was more explicit. I shall quote a very small portion of their report. The report says:—

It will be convenient to consider the three divisions of this area separately. King George's Dock falls very largely within the Garden Reach municipality.

I may tell you at the outset that within this Dock Extension area there are two municipalities, a portion of the South Suburban municipality and a portion of the Garden Reach municipality. The report then says:—

The Port Commissioners favoured the inclusion of this area within the city of Calcutta.

Then it gives the reasons which I need not quote. Then the Committee's report runs thus:—

In considering, therefore, the advisability of amalgamating the new Dock area with the Calcutta municipality, we must not only consider the beneficial effect on the area severed but also the effect on the remaining portion of the Garden Reach municipality It would be useless recommending proposals for the improvement of the administration of one area if those proposals must necessarily bring in their train a great deterioration in the standard of municipal administration in an adjoining urban area. We are satisfied that the loss of the revenue derived from the new Dock area will result in the crippling of the finances of the Garden Reach municipality, will render it difficult for that body to maintain the present services in a state of efficiency, and will postpone indefinitely all schemes for the improvement of the municipal services, particularly those relating to drainage and water-supply. The amalgamation of this portion only is also open to the serious objection that it will transfer an area which, under any municipal administration, will yield a surplus of receipts over expenditure, from a relatively poor municipality to a richer body, and that the surplus will be diverted thereby to improving an area which is capable of financing its own schemes of improvements without this additional revenue.

I think this portion of the report should be written in letters of gold. Then it says:—

The case for the amalgamation of that portion of the new Dock area which falls within the South Suburban municipality is practically the same as that relating to the area falling within the Garden Reach municipality. Out of a total revenue of Rs. 63,000, Rs. 16,000 is realised from property belonging to the Port Commissioners, and the expenditure on the services rendered to the Port Commissioners is much less than the receipts. As in the case of the Garden Reach municipality, the severance of the Port Commissioners' area would seriously interfere with the stability of the finances of the municipality and would very adversely affect the efficiency of the municipal administration. The fact that this portion of the Port Commissioners' land will in all probability be chiefly occupied by a large marshalling yard not requiring such a high standard of municipal service renders the amalgamation of this area with Calcutta less urgent. We accordingly do not recommend the amalgamation of this portion of the new Dock area with Calcutta.

This was the opinion given by that Committee, a most disinterested and most independent Committee. I may also say that this Committee was appointed, not for the guidance of the Select Committee on the Calcutta Municipal Bill, but for the guidance of Government. I may say that what we contended for before the Select Committee and what we still contend for is that we have got an income from house, latrine, and water rates of Rs. 63,000, and if out of that income, Rs. 16,000 be taken, that is one-fourth, then the finances of the municipality will be crippled. That is also the case for the Garden Reach municipality. We find in the Committee's report the real reason why the Calcutta Corporation want this portion and that is—to fill their own coffers. In any case, the expenditure that will have to be incurred over this area will never be more than the receipts; in fact, the receipts will be much larger than the expenditure to be incurred. Now, as regards the Garden Reach municipality, I may say that they have already got a sewerage scheme, and they have a primary education scheme also for the spread of primary education, and they want to introduce it; they are negotiating with the Calcutta Electric Supply Corporation for electric lighting within the municipality. The same is the case with the South Suburban municipality, of which I am in a position to speak with authority. Our primary education scheme has been sanctioned by Government, and we are going to spend one-tenth of our income on primary education, Government, no doubt, paying half this expenditure, and we are going to give effect to this scheme, I think, within the next few days. We are also negotiating with the Calcutta Electric Supply Corporation for the supply of electric light; everything has been settled and the Manager of the Corporation has promised to supply current to us within the next few months. As regards the sewerage scheme, the Hon'ble the Minister is probably aware that the scheme is before the Government, and it is a matured scheme. Of course, we are now getting filtered water from the Calcutta Corporation, but if it is found that the supply of water from the Calcutta Corporation is not sufficient for our

purpose, well, we shall have our tube-wells, of which we have already, with the assistance of the Sanitary Engineer, got schemes and estimates. So, if at this time when we can just make two ends meet, the Calcutta Corporation take the best portion of our municipality, I think the financial condition of both the Garden Reach and the South Suburban municipalities will be hopelessly crippled. We are now getting Rs. 16,000 from rates and taxes, and after the next three years we hope to get Rs. 20 to Rs. 22,000 from increased taxation. The Calcutta Corporation know all that, and they want to reap the benefit of that increased taxation, and they also know that within the next few years they will not have to spend a single pice for the improvement of that area. I am glad to see that Mr. Stuart-Williams, the Chairman of the Port Commisioners is now here. The Calcutta Corporation were always telling us that the Garagatcha and the Shahpur roads which form the boundary line of the Calcutta Corporation will be acquired by the Port Commissioners, and it will be necessary to have fixed boundary roads. I know that was true some time ago, but it is not true now. The Port Commissioners themselves do not know their own minds. They have now been trying to shift the marshalling yard from where it ought to have been to another place, about three or four miles, they have been making a survey to extend their area further to the south of the present Dock Extension area. They acquired these lands, which are lying as waste land, about 15 years ago under a declaration of 1905, and they have done nothing to improve the area within the South Suburban municipality these last 15 years. I do not know how long this portion will remain as it has been all these years. If, however, it is absolutely necessary for the Port Commissioners to have these lands at some distant date, the remedy is there, and this particular remedy has been suggested by Mr. Das in his report in the Special Committee. You will find it in section 533 of the new Bill, I think. Under that section the local Government is empowered to extend the area of the Calcutta Corporation by notification. I tell the Port Commissioners—if you really want it, very well, then take it; but if you do not want it now, why try to extend your area which is a source of income both to the South Suburban and the Garden Reach municipalities at the present time? You can always approach the local Government and say we require that portion for Dock Extension or any other purpose, so give us this area, whether it is from the South Suburban or the Garden Reach municipality. The section I have already referred and which empowered the Calcutta Corporation to extend its area is section 533A(*1*). It reads:—

> The Local Government may, by notification publish in the *Calcutta Gazette* and in such other manner as they may determine, declare their intention to include any specified area in the neighbourhood of Calcutta within the limits of Calcutta, to be administered by the Corporation under this Act.

So the remedy is there, but the real reason as has been suggested by my friend, Mr. Syed Nasim Ali, is that the Calcutta Corporation is in very

great need of money and that it is so, will clearly appear from the admission made by the present Chairman of the Calcutta Corporation. I think I found this report in the *Englishman* of the 30th November, and this is what he said, but before I read it in support of my argument I should say that the Corporation are very anxious to have a sewerage scheme at Maniktala, but what steps have they taken in that direction? What will happen after a few years when the Bidyadhari will be silted up? This is what my friend, Babu Surendra Nath Mallik, said on the 29th November about this with reference to the drainage scheme of Calcutta:

If nothing is done immediately, drainage will be practically impossible in the following year, and this is too serious a thing to contemplate. As decided at the last committee meeting a dredger has been brought up the Bidhyadhari and is ready to work, but there are no funds to work it with——

[At this stage the member having reached the time-limit was permitted by the Hon'ble the President to continue for another five minutes.]

Babu SURENDRA NATH MALLIK: That means Government funds, not ours.

Babu SURENDRA NATH RAY: You were speaking then as Chairman of the Calcutta Corporaton.

Babu SURENDRA NATH MALLIK: Government have got no funds, we have got to pay.

Babu SURENDRA NATH RAY: You said the estimate was for Rs. 6 lakhs and the total for this year and the next was Rs. 10½ lakhs for dredging only.

Babu SURENDRA NATH MALLIK: Yes, but we have paid already.

Babu SURENDRA NATH RAY: Forced to pay. Then have the Calcutta Corporation done justice to the area which is within it? What is the condition of wards 23 and 24? In ward 23 I am owner of some lands jointly with the Port Commissioners; I do not know whether Mr. Stuart-Williams has ever visited that place; if he goes there, he will find that it is a dense wilderness; it is the same now in 1923 as it was in 1899. My friend, the present Chairman of the Calcutta Corporation, represented for three years ward 24 in the Calcutta Corporation; what is the state of ward 24? After heavy rain the whole of the place is flooded, and for days the people cannot come out of their houses——

Babu SURENDRA NATH MALLIK: We have already spent about Rs. 12½ lakhs on this.

Babu SURENDRA NATH RAY: These are the main objections to the amalgamation of these two areas with the Calcutta Corporation. I

hope the members present will bear all this in mind in giving thei votes in this Council.

Babu SURENDRA NATH MALLIK: I move that in clause 3 (*1a* after sub-clause (*1*) the following be inserted, namely:—

"(*1a*) the Cossipore-Chitpur municipality."

May I submit one point to you, Sir, for consideration? As it is, I have got to speak with regard to all the municipalities, and in view o the fact that you have been pleased to grant a little more time to other who have spoken on behalf of one only, I trust that I shall be treated with the same consideration.

Mr. PRESIDENT: I recognize the fact that you will have to put the case for the Calcutta Corporation. I shall permit you to speak for a longer time.

Babu SURENDRA NATH MALLIK: Gentlemen——

Mr. PRESIDENT: Order, order!

Babu SURENDRA NATH MALLIK: I am sorry, Sir. I rise to move the amendment which stands in my name. I rise to move this according to the direction of the Calcutta Corporation, viz., the Commissioners of the Calcutta Corporation who are the representatives of the ratepayers of the city of Calcutta. They have every year reiterated the cry that this municipality should also be included within the fold of the Calcutta Corporation, and it is my duty to lay their plaint before you, that this municipality of Cossipore-Chitpur should also be included within the Calcutta Corporation. This is not an act or from the point of view of territorial aggrandisement, that this is sought for; nor is it that the needs of the Corporation are so urgent that this cannot be postponed. I shall give you a few facts and figures from which I shall ask the House to come to their own conclusion. I know a considerable amount of canvassing has been going on on the part of those whose interest it is to go about and they have been doing this; but my case rests on facts and figures from which the conclusion which I ask the House to come to is simply unquestionable and does not require canvassing. I shall now place my facts before the House for acceptance, and I am perfectly sure no amount of canvassing can possibly have any effect against all these facts and circumstances provided they are given a hearing which they certainly demand. I may now refer to the ratable value of land in Calcutta. So far as that is concerned, it is excessive in Calcutta. Everybody knows that it is so; only the other day we discussed this. It is excessive at the present moment, regard being had to the income of the largest number of people in Calcutta which is Rs. 60 a year; in England in ordinary municipalities it is £4 to £5, though incomes there are 20 times as large; that shows that the rate in Calcutta is inordinately high. The natural conclusion is that land values are wonderfully high

in Calcutta and can bear no comparison to any other place. We have in Calcutta—my friend, Mr. Emerson, will bear me out in this—land of the enormous value of Rs. 40,000 to Rs. 50,000 a cottah and even in distant parts of Calcutta, it is not less than, on an average, even in lanes, Rs. 2,000 to Rs. 2,500 a cottah. What does this show? Does it show that there is room and reason for expansion or not? Pass any number of Rent Acts you like, take any measures you like in this direction, you can never bring down the rents. It is impossible for the poor to exist so long as you do not look to the extension of buildings, the opening out of new areas by opening new roads, making new tramways, having new motor buses and so on; ultimately this the best way of bringing down land values in Calcutta; that is the only remedy. Is this something which is impossible? It is bound to come either to-day or to-morrow; you can never check it; I believe in one thing—a wider, a better, and a more glorious Calcutta. It is my own city, it should be the proudest privilege in my life to see what we have done to it before we leave it for ever. I should like to see the city raised to the real position of the second city in the Empire. Is this the city which my friend, Mr. Syed Nasim Ali, thinks is too big? He does not know how to compare this with other cities; he has not studied the question apparently, otherwise he would never have said that. Look at Liverpool: the population there is 7½ lakhs; look at Calcutta: the population is 9 lakhs; look at the conditions; one is in the tropics and the other is in a very cold country; in Liverpool you will find the area is 21,000 acres; in Calcutta it is at the present moment only 12,000 acres. Does that show, gentlemen, that there is room for expansion or not? For 9 lakhs or more you have got 12,000 acres in Calcutta. What does that show, gentlemen ——

Mr. PRESIDENT: Mr. Mallik, you must really address the Chair and not the Council; you ought to know better; you must address the Chair.

Babu SURENDRA NATH MALLIK: I ought to know better; I made a mistake and I apologise.

The next question is—can this be postponed? It is admitted and it is bound to be admitted that so far as these two municipalities are concerned, they are bound to be included in Calcutta and it cannot be postponed. You may postpone it for a few years, you cannot postpone it for all time. Now, Sir, what is the consequence of postponement? You leave all these municipalities to act as they like, you cannot control their roads, cannot control their alignment, their building areas; you simply allow the same conditions to prevail in those portions, against which we and our esteemed friend the Chairman of the Improvement Trust are fighting so hard. That is what you would do, Sir. What is the natural consequence? You will have to pay ten times more if you take it up a few years hence. That will be the consequence. I think,

therefore, that this matter cannot be postponed. If you look at it from a point of view of purely parochial or vested interest, the matter is quite different. I quite appreciate that if anybody like my friend, Babu Hem Chandra Nasker, who belongs to this municipality, and my esteemed friend, Babu Surendra Nath Ray, who also has property in them; of course, they might very well come and object. That has been the reason for postponement all along. I quite remember when I was only a boy, about 16—I cannot actually remember my age—in the year 1887, when the added area was proposed to be added to the city, at that time I was in my college day; I remember that our fathers meet at meetings I remember they protested and said " everything is gone away, it is tremendous, we are being dragged into Calcutta proper " and all that was discussed. Now are their sons regretting that Bhowanipore and Kidderpore are included in Calcutta? We know what the conditions were before; look at the improvement now. My friend, Mr. Syed Nasim Ali, has come to live in Calcutta, but he does not know what those conditions were before.

Some stray observations have been made about the condition of wards 23 and 24; it is a water-logged area; the Port Commissioners have got the boat canal; we have spent about Rs. 12½ lakhs over that and we are going to spend some more. Then, again, it has been suggested that, possibly, if these areas are taken in, we will not be able to do our duty by them because they will be consumed in the bigger unit of the existing municipality. Nothing is more preposterous than an idea like this. Anybody who knows the facts will say just the opposite. In 1888 when the Act came into existence adding the suburban areas, the same thing was said, and I would ask you to consider this. There was a statutory liability to spend Rs. 3 lakhs a year over these added areas and—I have said this in Mr. Das's Committee—during the last years apart from disregarding their claims we have spent Rs. 61 lakhs on them. Does it show that the included areas were neglected and that according to the traditions of the Corporation the areas, which are now proposed to be added, will be neglected? Then, why should you think on those lines?

Mr. PRESIDENT: Again, you are addressing the members, Mr. Mallik. You should address the Chair.

Babu SURENDRA NATH MALLIK: I am very sorry, Sir.

Mr. D. C. GHOSE: May I ask, Sir, when addressing the Chair, must he always look at you?

Mr. PRESIDENT: It is not necessary to look at the Chair always, but it is neither customary nor convenient for a member to turn his back upon the Chair while he is speaking.

Babu SURENDRA NATH MALLIK: Sir, you are quite right and I bow to your ruling, whatever Mr. Ghose may say. The facts are these. Instead of spending Rs. 30 lakhs, which was the statutory limit, the

Corporation have spent over Rs. 6 lakhs for the improvement of these areas during the last 10 years, and we are going to spend crores and crores in future. In the face of these facts Mr. Syed Nasim Ali's argument has no force whatever.

Then the question arises—why do we want to include these areas? And my answer is—for our expansion work. That is the primary reason for which we want these areas. We want more space for our little children to move about. Three hundred and fifty children out of a thousand die every year in the northern and central portions of the city before they attain the age of one year. In one ward alone 581 children died out of a thousand. We want open spaces in the city for our children's park, for our youngmen's gymnasiums and for schools of primary education. We want space for recreation grounds, for libraries, and a thousand other amenities of life which go to make a great city. It is in the congested areas that we most need them and it is there that high land values prevail and where anything between 20 and 40 thousand rupees are asked for a cottah it is impossible to do these. The only way is to open out and open out. We want more extensive roads, more improved communications, more 'buses and tramway services. Expansion is therefore bound to come. If this city is to exist, we are bound to have expansion.

Here I would like to deal with another point in this connection. It has been urged more than once that people in these areas do not favour inclusion. I do not know whether that is a fact. I can place enough evidence before the House to show that that is not so. A great number of people of the locality came and saw me and asked me to take over Maniktala. Only yesterday, at a meeting in which my hon'ble friend, Babu Hem Chandra Nasker, was present, the Vice-Chairman of the Maniktala municipality declared that they had no objection to be taken in on certain conditions. As regards Cossipore-Chitpur, the same thing has been urged by a person for whom I have got the highest possible regard and whose opinion I cannot venture to contradict except under a sense of duty which I cannot at the same time overlook.

[At this stage the bell rang as the member had reached the time-limit. He was, however, allowed by the Hon'ble the President to continue.]

I am very sorry to differ from one at whose feet I have learnt all my lessons in politics that self-determination or the desire of the people of these places to merge into our city ought to, according to democratic principles, prevail. That I cannot accept as correct. It has been well said that that argument appears to be fallacious. Democracy may have its defects, but it does not mean that a small minority may negative proposals which are necessary for the insistent growth of a great city. That is not democracy. So far as the Cossipore-Chitpur municipality is concerned, I will tell the Council what we have already done. Already the Calcutta Improvement Trust have taken up works of improvement in

these areas in the interest of the improvement of Calcutta and spent a considerable portion of the revenues of Calcutta to this end. They have already spent Rs. 47 lakhs for an open space in Cossipore-Chitpur. There is another housing scheme which will cost Rs. 37 lakhs of which Rs. 7 lakhs have already been spent, and they have got a sewerage scheme for Maniktala under consideration now. In whose interest are they doing it? In the interest of the citizens of Calcutta who are bearing the cost. The direct contribution to the Improvement Trust by the Corporation is now Rs. 13 lakhs a year and the indirect contribution of about half a crore yearly also comes from the citizens of Calcutta. This and other moneys raised by the Calcutta Improvement Trust as loan will be required to improve these localities and when, after 30 or 40 years or more, the Calcutta Improvement Trust have finished their labours, the whole of the liabilities incurred by them for improving these areas are also to be shouldered by the Corporation under section 177 of the Calcutta Improvement Act. All these have been done without even my hon'ble friend Mr. Syed Nasim Ali, knowing it. And yet it is urged that these municipalities ought to remain outside. Why, these municipalities are dependent on us for their very water-supply. And we have given them water when we had not sufficient water ourselves. I humbly put it before the Council—after all this, is it fair and just to say that they should remain outside? In the face of these facts, is it reasonable for a man without a bias or prejudice and without vested interest to oppose the inclusion of these areas in our fold?

Therefore, looking at it from every point of view—economic, sanitary, from the point of view of convenience and comfort—we should have these areas included and the longer the delay in taking them over, the greater will be the difficulty hereafter in doing the same and the cost will be ten-fold at no distant date if the scheme is delayed. The time is come, nay, it is long overdue, when the task of treating the city as an organic whole should be undertaken. Hitherto our efforts have been spasmodic. Our forebears made mistakes which we are now trying to rectify. Possibly they had no idea that the task would be so big. To reconstruct the city as an organic whole is our aim. We have got to allocate separate spaces for people of different sorts of persuasion and activities. The city must have a definite portion laid down for her industrial area, for her labouring classes, and for the middle class and poorer *bhadralogs*, her area for offensive trades, her area for big public institutions, and many others of that sort, all linked together by an excellent system of roads and means of quick and cheap locomotion and transit—all these areas working into a harmonious whole to the glorious upbuilding of this second city of the Empire—which is our city and which is the capital of the province. Any idea that falls short of it is one which I am bound to contradict.

Then as regards Garden Reach. Is it a matter of luxury that we want it? We only want a portion of it—that portion which has been

acquired by the Port Commissioners for their new docks. We want it because we have not got a definite boundary in the south. The old boundary has been destroyed partly by the Port Commissioners and the rest is going to be put under water. We cannot have an imaginary boundary passing over sheets of water and railway lines and coolies' huts, etc. As I have said, we have no scientific boundary in the south, and so we claim a portion of that municipality. We are told that if we do that the municipality will be crippled. We considered the situation and as a result we have come to the conclusion—against our previous resolution—that we should pay to the Garden Reach municipality half of the income which they now derive from that portion and we shall pay it for the next ten years. Since then we have further decided to let them have half of what they say they get from their tenants in those parts.

As regards my hon'ble friend, Babu Surendra Nath Ray's contention that the municipality is going to have a sewerage scheme—I do not know what to think of it. It makes me laugh to hear of these municipalities talking of sewerage schemes. Municipalities with one or two lakhs income making sewerage schemes? Howrah with its income of Rs. 18 lakhs cannot dream of it. It means a mint of money. It is one thing to draw out a scheme on paper and another thing to carry it out. It cannot be done by an ordinary municipal overseer. It has to be done by specialized engineers whom we alone possess. It is not so very easy. This can only be done by us and we will do it, in the interest of the country, with the help of our specialized staff and, if need be, in consultation with our Consulting Engineer in London. My hon'ble friend says that they are going to take electric lights there. But will that make the place more attractive without sewerage improvements? The same remarks apply to the water-works question. You cannot do it with such a limited income. There is absolutely no sense in these proposals. I will place certain facts before Babu Hem Chandra Nasker and the Council. The Maniktala municipality have not sufficient lands for their dumping ground, we have lent them the land on a nominal fee of Rs. 250—how can they have land then for their sewerage system? Sewerage conditions in Maniktala is "appalling"—that is the word used by the District Magistrate of the 24-Parganas and it is considered to be source of danger. We realized that and that is the reason why we have allowed them to have water at six annas while they charge their ratepayers one rupee, thus making a profit.

Mr. Stuart-Williams has a motion suggesting the inclusion of the whole of the Garden Reach municipality. So far as that is concerned, I confess I am rather in an unfortunate position. This was never considered by the Corporation and unless the Corporation consider this, you may well imagine my position in not being able to say whether I

can accept it or not. There are various other difficulties in that connection too. [Here the hon'ble member showed the position of the suburban municipal boundaries in a map.] The Garden Reach municipality have an area running right up to the river and five miles long and the question is whether our new water-works is such that we can accommodate them. It cannot be replied off-hand. It can only be replied by our Chief Engineer after consultation with our Consulting Engineer in England. Then, again, the question of sewerage has got to be considered and what would be the initial cost in that connection and so forth. These are difficult questions and cannot be settled off-hand. There are two ways of approaching the question. One is that personally I am satisfied that this place is bound to come within the Calcutta municipality sooner or later. The labour question will then be very keen there. Many of the mercantile firms will have their factories there and the place will teem with population and sanitary arrangements will be necessary. We therefore must wait as at present circumstanced. The other alternative is that if you, Sir, allow me to have the consideration of this suggestion postponed till after the Corporation have discussed the question——

Mr. PRESIDENT: You can suggest that after Mr. Stuart-Williams has moved his amendment.

Babu SURENDRA NATH MALLIK: Very well, Sir. I think that all the points raised by my hon'ble friend, Mr. Syed Nasim Ali, and others have been answered and there is no reason why our legitimate claim should be ignored or disregarded.

One word more and I have done. My hon'ble friend, Mr. Syed Nasim Ali, insinuated that we cannot raise a loan. Whether he said this by way of a joke or in sheer ignorance, I do not know. But if it is due to ignorance, the piece of ignorance appears to be colossal. Anybody who reads the newspapers knows that we have very recently not only succeeded in raising a big loan in London but we have raised it at a moderate rate of interest and at a premium too. We offered interest at 7 per cent. in Calcutta, but the financiers here wanted to take up at 97. We refused. And then on the advice of my hon'ble colleague, Raja Reshee Case Law, and other financial magnets, we floated this big loan of Rs. 75 lakhs in London at 6 per cent. and it has been taken up, at a premium—at 101. Does this show that we cannot raise a loan? Is this the sort of information with which my hon'ble friend came equipped in Council to oppose our suggestions? If he had any doubt about this point, he could have come and asked me instead of cherishing this misapprehension in his bosom.

Mr. SYED NASIM ALI: I got the news from the Corporation.

Babu SURENDRA NATH MALLIK: If my hon'ble friend really got the news from the Corporation, then this is news indeed. Sir, to get news is one thing and to manufacture news is quite another. I do not, of course, suggest that my hon'ble friend has actually manufactured the news.

I can very well understand my hon'ble friend, Babu Hem Chandra Nasker's opposition—as he owns considerable property in Maniktala. He has stood up for his municipality for which I cannot but entertain the highest possible regard for him. I can understand his position, and though his opposition is not based on reason but on sentiment, it is sentiment of the noblest sort and I respect it. But is it any reason that the rest of the House should also think in the same way? I think I have said enough to convince them that the inclusions are urgently required in the interest of both parties concerned and I hope that they will not, in any circumstances, fail to give due consideration to the facts I have placed before them which, I doubt not, could have been better placed by a more eloquent man than myself. But I would ask them to admit the justice of our claims when we say that we ought to have inclusion and we cannot afford to do without it.

Raja RESHEE CASE LAW: I also support this amendment and my reasons are—

(*1*) The city must be taken as it actually exists and not as defined by artificial boundaries. The census reports shows that the population of Cossipore-Chitpur has increased by about 50 per cent. within the last 20 years. This is wholly due to the overflow of the Calcutta population into these area, so that the population of this area really forms part of the population of Calcutta.

(*2*) Calcutta is a commercial centre and factories and unwholesome trades are bound to develop within it. For the location of such factories and trades she must look beyond her boundaries and the most suitable place for these regard being had to transport and other facilities, would be Cossipore-Chitpur, Maniktala, and Garden Reach.

(*3*) The tendency of the Calcutta population is to spread to the north. At present it is massed in the north for we find that whereas in District Nos. 1 and 2 of an area of 5½ square miles the population per acre varies from 160 to 250; in District No. III of an area of 4½ square miles it averages 60 per acre; and in District No. IV of an area over 9 square miles it averages only 32. My experience in the Improvement Trust shows that persons who have been dishoused by the operations of the Trust are very unwilling to be rehoused in Dhakuria and Bhowanipore which areas have been considerably improved and opened out by the operations of the Trust. It may be mentioned in this connection that in 1888, 12¾ square miles were added to the 6 square miles of the original city, the bulk of the added area being to the south and south-west with a narrow strip between Circular Road and Circular Canal on

the north-east. This addition did not any way go to relieve the congestion in the north and the only portion of this added area which was effective in this direction was the strip on the north-east. It proved but a fact, viz., that it was impossible to transfer the population from the north to the south.

(*4*) There can be no doubt that incorporation of the Cossipore-Chitpur municipality will greatly accelerate her development. Her building operations and sanitary improvements and the improvements of Calcutta would be controlled and guided by one policy so that she may be developed on the lines which would fit in best with her position in respect of the great commercial city.

(*5*) In England and the continent, all growing cities are constantly enlarging their boundaries and a proposal for such extension is almost always opposed by the inhabitants of the area proposed to be absorbed; naturally this should be so, for amalgamation will always interfere with certain vested interests. In spite of all opposition it is usually found necessary in the case of a growing town to periodically enlarge its boundaries and the relevant considerations in a matter like this would be the good of the town as a whole and not the vested interest of some people of the suburban area to be added.

(*6*) This area is developing rapidly and owing to the low standard of municipal administration and the limited powers under the Bengal Municipal Act, this development is uncontrolled and, in the absence of a proper system of drains and sewers and an adequate water-supply, is productive of conditions which at any time may turn a serious menace to the health of Calcutta. The main reason put forward by the opposition is that the representatives of Cossipore-Chitpur do not desire it, and therefore, according to democratic principles, the proposal must be rejected. My short answer to that argument is that if you can stem the growth of Calcutta, do it by all means and let democracy have its day. But inasmuch as it is impossible to do it we have to face the problem from the view-point of the development of Calcutta and its population and the housing of the same. The vested interests and the facilities for learning the art of self-government have to be sacrificed for the solution of the bigger problem, viz., the good health and amenities of the greater town with its added area.

Babu Surendra Nath Mallik has sufficiently refuted the arguments of Mr. Syed Nasim Ali. I would only add that there is now no difficulty of floating a loan in London of even a crore of rupees on behalf of the Corporation and that even at a premium.

Mr. S. C. STUART-WILLIAMS: I move the following amendment, namely, that in clause 3(*a1*), after sub-clause (*1*), the following be inserted, namely:—

"(*a1*) the Garden Reach municipality."

In the Bill as it stands at present, the position is that provision is made for the inclusion of the Maniktala municipality within the Corporation of Calcutta, coupled with a condition regarding the expenditure of certain sums of money on the improvement of that municipality, which I should have thought would have brought balm to the hearts of the ratepayers within that area.

As regards the Garden Reach municipality and the new Dock Extension area, part of which lies within the boundaries of that municipality, the position under the draft Bill is that the Dock area only is to be included within the confines of Calcutta, and the proposal for the inclusion of the Dock area only is coupled with a condition of an entirely different kind from that in the case of Maniktala, namely, that one-half of the profit derived by the municipality from the Dock area—which I should regard as an illegitimate profit—should be made over to the Garden Reach municipality in the form of a subsidy to be paid for a period of 10 years. Also it is provided that in the case of the South Suburban municipality, where the cost of the services rendered to the Port Commissioners is to slight that it has not been considered necessary to make any reduction on that account from the revenue which they derive from the Port Commissioners, one-half of the profit or net revenue drawn by the municipality should be made over to that municipality for a similar period. That is the proposal as it now stands. To understand how that position has been arrived at, I would refer very briefly to the history of this matter. It was obviously one regarding which difficulty was bound to occur in arriving at a general agreement; it was found impossible to obtain the consent of all the parties interested and in these circumstances, as my friend Babu Surendra Nath Ray has said, the matter was referred to an influential and impartial Committee, the Chairman of which was the Advocate-General. Babu Surendra Nath Ray has read out to this House the findings of that Committee and it is not necessary for me to repeat them, but I wish to emphasize two points which are contained in those findings namely the Committee said in the first place:—

We are of opinion that the Port Commissioners are probably correct in concluding that the Calcutta Corporation will be able to provide and maintain a more efficient service than the Garden Reach municipality.

In the second place, the committee said:—

At the same time it must be remembered that the completion of King George's Dock will be accompanied by an increase in the population—in all probability due to an influx of the poorer classes—and in an intensification in the industrial character of the Garden Reach municipal area, and that the maintenance of an efficient municipal administration in the urban area adjoining the Docks will be almost as essential as the improvement of the municipal services within the new Dock area.

I wish to emphasize these two points particularly, because while I agree up to a point with Babu Surendra Nath Ray in his reading of

the Committee's report, I am not entirely at one with him in his interpretation of their recommendations regarding the Garden Reach municipality. We agree that the committee's summing up was in effect "all" or "none," but while Babu Surendra Nath Ray out of these two alternatives, selects the latter, namely, "none," I select the former, namely, "all," and I would urge that all those who read carefully the Committee's report with reference to all the circumstances will agree with me that my interpretation is at least as reasonable as Babu Surendra Nath Ray's.

Now, Sir, the recommendations of this Committee were not accepted. The Select Committee of the Council propose a compromise—as I presume it is often the duty of select committees to do—and it is that compromise which now stands in the draft Bill. I am not one of those who would oppose a compromise merely because it is one; I have myself too often been faced with the necessity of effecting a compromise to take up that attitude, but there are certain conditions which, in my view, should be met before a compromise can be accepted. One of these is that it should be free from any objectionable features, and in my view the compromise now proposed, with the conditions attached to it of these statutory payments for a number of years to the Garden Reach and South Suburban municipalities, is not free from objection. It appears to me that to provide for the payment of such subsidies is, to speak frankly, paying a premium on municipal inefficiency.

In the second place, a compromise of this kind should be one which appeals to the majority of the people interested. My friend, Mr. Currie, who has important interests in that area, and I myself, as representing the Port Commissioners, do not regard this compromise as suitable or sufficient, and if my information is correct, our view is shared by a considerable section of other ratepayers. But, Sir, it seems to me there is a higher ground from which a matter of this kind should be viewed. Babu Surendra Nath Mallik the Chairman of the Corporation, has given expression already to this principle and I find myself very largely in agreement with him when he says that the matter should be determined from the point of view of the public interest as a whole and with due regard to the probabilities of the future. My only complaint is that Babu Surendra Nath Mallik has not gone quite far enough. The Dock area taken by itself will at first produce a revenue considerably in excess of the cost of the municipal services which they will require, though I hope that this position will be modified in the near future as progress is made with the important improvements which Babu Surendra Nath Mallik has foreshadowed in the future. But as regards the remainder of the Garden Reach municipality Babu Surendra Nath Mallik appears to me to have overlooked the second point raised in the report of the special Committee which I have already mentioned, namely, that the remaining portion of the Garden Reach area is likely in the near future to become an highly industrialised area and a very

important portion of the urban area of Calcutta. It seems to me that this fact should be recognized at once and specially so, because I regard the prosperity of the port and of the city as a whole as being intimately bound up together; we should, in my opinion, look to the interest of the whole area; we should look beyond the interest of any particular section of the ratepayers and we should be prepared, even at some pecuniary sacrifice, to do what is necessary for the good of the whole city. So far as the Port Commissioners are concerned, we want to feel that the area for which we are responsible is free from all reproach; that it is up-to-date in every possible way, and to ensure this we are prepared to face the extra expenditure that will be involved. And I would appeal to the House to adopt the view, which Babu Surendra Nath Mallik has put before them and in which I concur, that our vote to-night should be decided in accordance with our view of the well-being of this great city.

There is only one other point which I wish to mention. It is important that the port of Calcutta should have at an early date a suitable, well-equipped health examination station to deal with passengers arriving at and leaving this port. To this end certain proposals are now under consideration and they involve the acquisition of an area of land to be used for this purpose. I find that that area is approximately one-half within and one-half without the boundaries of the Garden Reach municipality. If my amendment be carried and the whole of Garden Reach be included within Calcutta, there should be no practical difficulty in ensuring that this health examination station should be well-equipped and well-looked after as a part of the functions of the city

We who are residents in Garden Reach or who represent residents in that area are in the position of a sick man who is urgently in need of medical attendance and medicine. We have at present two local doctors to attend us, but neither of these can be called altogether satisfactory. One I may call Dr. Garden Reach and the other Dr. South Suburban. Dr. Garden Reach may be doing his best, but he is ill-equipped and he is unable to give us the medical attendance or the medicine which we need; in fact the only direction in which his efficiency and punctuality is beyond question is as regards the submission of his bills. Dr. South Suburban renders even smaller services though he also is most efficient in the submission of bills. There is, however, another doctor some little distance away—Dr. Calcutta—whose fees are somewhat higher and who has already heavy responsibilities. He may be regarded, however, as possessing one or two motor cars; they are not ideal machines since they sometimes break down and more often run out of petrol, but at the same time this doctor is in a position to do more to meet the requirements of his patients, and we would rather have his services, even if accompanied by higher fees, than maintain

the present position where we pay fees but have ourselves to provide for medicines we require.

With these remarks, I beg to move the amendment standing in my name.

Mr. PRESIDENT: Before the House proceeds further, I wish to point out that members who wish to speak upon an amendment relating to any particular area may also make general observations with regard to all the areas affected, if they so desire. But if they once speak on Maniktala and again rise to speak on Cossipore-Chitpur, that will not be allowed. Three or four speeches from each member cannot be permitted.

Mr. D. C. GHOSE: The case for the non-inclusion of Maniktala within the municipal limits of Calcutta must be bad, very bad indeed, because it has to be supported in this Council by arguments which, to say the least, are absolutely fantastic. One such argument was advanced by Mr. Syed Nasim Ali and has been dealt with by my friend, Babu Surendra Nath Mallik. Sir, when I heard Mr. Syed Nasim Ali say that the Corporation could not float a loan in Calcutta, I wondered whether Mr. Syed Nasim Ali was living in Mars or in Calcutta, because as everybody knows a few days ago there was a long telegram sent out from London giving us the joyful news that the loan floated on behalf of the Corporation of Calcutta had been oversubscribed. I am afraid my friend, Mr. Syed Nasim Ali, has mixed up two things. He has mixed up perhaps the capacity of the Corporation to raise a loan with the failure to get the necessary money in Calcutta. It is perfectly true we could not get the money in Calcutta. Why? Because the money market was tight and money was not available here. But the moment we went to London and floated our loan, the loan was oversubscribed.

Then, Sir, I will deal with another amazing and fantastic argument which was advanced by Mr. Syed Nasim Ali, the chief advocate of the non-inclusion of Maniktala. He says that the people of Maniktala do not want this inclusion. Now, Sir, is that true? Let every member of this Council read the report of the Boundaries Committee—a report which is almost in the nature of a judgment. The Committee was asked by Government to take evidence, to consult local opinion, and then to come to a decision. What do they say after taking evidence and after consulting local opinion? They say this: that local opinion in Maniktala is sharply divided. One class of people in Maniktala is eager, anxious, and willing that Maniktala should be included within the municipal limits of Calcutta. Another class, says that "if we are guaranteed, if we are assured that the Corporation will spend the necessary sum, the adequate sum for carrying out improvements in Maniktala, we will not oppose inclusion." Then it comes to this: that everyone in Maniktala is in favour of inclusion—one class without any

condition and another class on condition that the Calcutta Corporation spends the necessary money for improvements. Therefore, is it not right to say that no one is opposed altogether to the inclusion of Maniktala? And yet Mr. Syed Nasim Ali, an advocate of eminence, who is accustomed to weigh and place evidence before a court of law, says here as the chief advocate of Maniktala, that the people of Maniktala are opposed to this inclusion. I say it is an absolutely fantastic argument—an argument not based upon any foundation of fact. Sir, the people of Maniktala admit that they have not got the means, they have not got the money, they have not got the borrowing power to effect necessary improvements—they say that frankly. And, Sir, let us bear in mind in this connection what was said by Mr. Prentice. He, at any rate, has no bias one way or other with regard to this question. [A voice: Official bias.] Well, official bias of this kind that you will be pleased to hear that he opposed the inclusion of Cossipore-Chitpur within the municipal limits of Calcutta because he thought that these self-governing bodies should not be wiped away unless there was a very strong case for doing so. Is that an instance of an unreasoning official bias? However, that is a digression. What did Mr. Prentice say with regard to Maniktala? After a thorough, searching inquiry of Maniktala he gave evidence before the Boundaries Committee and said that it should be wiped away. He thought that the state of things in Maniktala was such that it could not be remedied by the local municipality and he summed up by saying—"Wipe it away." Mr. Syed Nasim Ali says—is it right, is it good, is it proper that the Corporation should take upon itself this burden of improving Maniktala when its finances are in a precarious condition? But who is to be the Judge? Is Mr. Syed Nasim Ali, who has never been within the precincts of the Corporation, to be the Judge or the Municipal Commissioners of Calcutta? The Corporation of Calcutta after a calm, cool, deliberate investigation of this question have come to the conclusion that they are in a position to effect improvements in Maniktala and, therefore, they want the inclusion of Maniktala within the municipal limits of Calcutta.

Then, one or two speakers have quoted at length from that great, noble speech with which the Hon'ble the Minister in charge of the Department of Local Self-Government introduced this amending measure—and quoted at length from that speech to show that the Minister in charge of the Department of Local Self-Government was opposed to the inclusion of Cossipore-Chitpur and other areas because he thought that local opinion was hostile to such inclusion. The reference to the Hon'ble Minister's speech was made, I suppose, for the purpose of supporting a charge of inconsistency. Well, Sir, I venture to maintain that no charge of inconsistency can be levelled against the Hon'ble the Minister. He has throughout been scrupulously consistent with regard to the question of including Maniktala and other municipal areas within the limits

of Calcutta. He has always maintained and he maintains even now, the view that if the people of a locality are opposed to the inclusion of their area within the limits of Calcutta, then it should not be included. His object in appointing the Bundaries Committee was to find out definitely what people in Maniktala, Cossipore-Chitpur and other places thought about the inclusion of their areas within the limits of Calcutta. Well, everybody knows the composition of that committee. There was the Advocate General as its Chairman, there was Mr. Woodhead, the Land Acquisition Collector, who had no bias one way or the other, and there was Dr. S. C. Banarji, the President of the Calcutta Improvement Tribunal, on this Committee. It is true that before Dr. Banarji came into this Committee, he held the view that Maniktala should not be included; he is a Maniktala man himself—and I know that when he was invited to join this Committee he wrote to Government that he already held the view that Maniktala should not be included and asked Government if in spite of that fact Government still wanted him to be on the Committee. Government said—"Never mind your personal views, you come and take evidence, and give us your help in coming to a decision." He then joined this Committee and after taking evidence and consulting local opinion, he also agreed with the finding of the Committee that practically all classes of people were in favour of the inclusion of Maniktala—one class without any condition and another with the statutory condition that the Corporation should spend certain sums of money for the improvement of Maniktala. I have heard a great deal in defence of the non-inclusion of these areas. What have the advocates of the case for non-inclusion to say? They cannot produce a single achievement in their favour. All they have said is that they have got this scheme, that scheme, and other schemes. They have produced all kinds of nebulous schemes. It is only schemes, schemes and schemes that we have heard of in defence of the non-inclusion of these areas.

With regard to Cossipore-Chitpur, I will say just one word before I conclude. I was myself one of those in the Corporation of Calcutta who had urged and clamoured for the inclusion of Cossipore-Chitpur within the municipal limits of Calcutta, but when I found that the Boundaries Committee after investigation of this question and after taking evidence and consulting local opinion had come to the conclusion that local opinion—one and all—was hostile to the inclusion of this municipality——

Babu SURENDRA NATH MALLIK: Question, question.

Mr. D. C. GHOSE: The Chairman of the Corporation questions this fact, but that is the finding of the Boundaries Committee. I have got

the report of the Boundaries Committee before me and I will read it to you:—

In Cossipore-Chitpur the weight of local opinion is opposed to amalgamation. The Magistrate of the 24-Parganas also does not favour amalgamation. The municipality is efficiently managed and its financial position is one of considerable strength.

Therefore, I maintain I am correct in saying that at any rate—if I may not say one and all—the majority of the people of Cossipore-Chitpur are hostile to the inclusion of their area within the municipal limits of Calcutta. Is that opinion to be brushed aside altogether? In this connection I will read out to you the eloquent words with which the Hon'ble the Minister in charge of the Department of Local Self-Government concluded his speech in this Council on the 1st December, 1921. I was one of those who had criticised him on account of his action in not including Cossipore-Chitpur within the limits of Calcutta, and this is what he said:—

I am Minister in charge of the Department of Local Self-Government. The principles of Local Self-Government are dear to me. I am here in this responsible position to vindicate and uphold those principles. What are the fundamental principles of local self-government? They are that, in regard to local affairs, the local bodies should form the supreme authority. We have no right to impose our will—extraneous and foreign—upon them. That is the essence of local self-government. I think I enunciated this principle on the last occasion in discussing a resolution moved by Dr. A. Suhrawardy in connection with the suspension of union boards. That being the fundamental principle of local self-government and my function being to uphold it, I cannot go against that principle. The principle of local self-government will not permit me to over-rule the declared wishes of the people. We are democratizing the Council and the local bodies. Is it consistent with the principles of democracy? I say "no."

I venture to say that I subscribe to this doctrine, and it is because I subscribe to this doctrine that I am here to raise my voice against the inclusion of Cossipore-Chitpur within Calcutta, but I am also here to support the inclusion of Maniktala because it has been found on evidence that the people are not opposed to it.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to speak a few words about the several proposals of amalgamation to Calcutta which are now before us. I shall begin by saying what I feel about the proposal of Mr. Nasim Ali. I was one of those who had always dreamt about a wider Calcutta, a better Calcutta, which is fit to be called the second city in the Empire. If we trace from the very beginning we find Calcutta was at first nothing but a cluster of villages. Subsequently, village after village had to be incorporated into Calcutta and the result was that Calcutta extended and came to be bounded by Lower and Upper Circular Road and the river Ganges. In the year 1888 certain suburban municipalities were amalgamated to this city, and we have the present city of Calcutta evolving out of them. Bhowanipore, which was once

a separate town altogether, is now a part and parcel of Calcutta. Similarly, other places which were considered to be altogether outside Calcutta are no longer considered to be so. If we have followed so long that principle, my friend Mr. Syed Nasim Ali will realize that all that we have to do at the present moment is to extend the same policy a little further to the north and partly to the south and to the east. Calcutta originally was so small that it could never have aspired to the position which it now holds unless facilities were given for expansion. So this is not a new principle that has been brought before us: it is the continuation of a principle which was accepted long long ago. My friend has spoken of experience being taken advantage of in the matter of legislation. I would point out to him that he is perfectly right, but it is experience which has taught us that this sort of legislation should be carried out. My friend has already been heckled too much about his knowledge and information regarding the Corporation loans, I do not like to add to his miseries.

Mr. SYED NASIM ALI: May I say one word by way of personal explanation? What I meant was this: that this loan could not be raised in India because the Indians knew about the financial difficulty of the Corporation.

Rai Dr. HARIDHAN DUTT Bahadur: My friend now makes a distinction between Indians and Europeans. My friend has again said that the Corporation is not in a position to take upon themselves this heavy additional burden. Well, that point has also been very effectively answered by Babu Surendra Nath Mallik, the Chairman of the Corporation.

I do not like to take up the time of the Council by referring to the debate that took place the other day in connection with the Rent Act, but I would draw your particular attention to one point. It was evidently clear to every one of us that the tenants had to suffer because there was a dearth of houses and land. My friend has forgotten that it was suggested that the only solution of the problem was the expansion of Calcutta by bringing in more lands within the boundaries of Calcutta, and making them habitable and fit for building purposes.

Then, Sir, my friend, Mr. S. Mahboob Aley has always been labouring under this difficulty that he was connected with the Maniktala municipality and had a share in its troubles and he did not know how to part with it. The same is the case with my friend, Babu Hem Chandra Nasker. That was the difficulty with my friend, Babu Hem Chandra Nasker. These two gentlemen apparently are quite happy in their association with the Maniktala municipality and although we would like to have them as Municipal Commissioners of Calcutta taking up positions of trust and influence, still they are trying to stick to the

old state of affairs to such an extent that it is impossible to make them believe that in future there may be more honourable things for them. With all respects for my friend, Babu Surendra Nath Ray, I would say that his conclusions are to a certain extent prejudiced. At the Conference to which he has referred, I also happened to be present. Sir Surendra Nath Banerjea held that Conference to find out the opinion of the different bodies. As expected, the Calcutta Corporation or the representatives of the Calcutta Corporation were for amalgamation, while the other Suburban municipalities were against it. But because in the Conference there was that expression of opinion by the representatives how much importance should be attached to that Conference, I would leave to my friend, Babu Surendra Nath Ray to consider.

I find that at the present moment there are three distinct proposals before us. The first is the amalgamation of Maniktala; the second is the amalgamation of Cossipore-Chitpur, and the third is the amalgamation of Garden Reach municipality. So much has been said about Maniktala that I am not disposed to take up any further time of the Council, but there are one or two points which I have marked and which I cannot resist the temptation of placing before this Council. One thing that was uppermost in my mind was what the Chief Engineer of the Calcutta Improvement Trust said. He considered the drainage of Maniktala was connected so closely with that of Calcutta that on that ground alone amalgamation was not only justified but essential.

Then, Sir, just before I entered into this Council Chamber, this petition was handed over to me. It was signed by a large number of men and I was trying to find out who they were. I find that except four or five Hindus, all of them were Muhammadans. There has been a feeling that the Maniktala municipality is under the influence of Muhammadans and that by the amalgamation of Maniktala with Calcutta, that Muhammadan influence is going to be curtailed. I give a lie direct to that. There is not the slightest intention of doing away with any Muhammadan influence if it exists there. It is altogether outside any communal question. It is not a question of Hindus or of Muhammadans, but all the same I find that this petition is signed by so many people who are all, except four or five, Muhammadans. Am I to understand that this is a representative body which has signed the petition? Then, Sir, I go into the petition itself. In the second paragraph of the petition——

Mr. PRESIDENT: The Hon'ble member need not trouble to gain these details.

Rai Dr. HARIDHAN DUTT Bahadur: In the petition, there are two points. One is that there are so many thatched huts and if the amalgamation were to take place, the thatched huts must go. I would point out that it is not true. The Calcutta Corporation has, no doubt, prohibited thatched huts but that is only in localities which

have been listed out as localities where thatched huts are not permitted. The next point is that it would be a great hardship to the poor people. Here, again, I would refer to the opinion of the Boundaries Committee. They have clearly pointed out that those people whose annual valuation is Rs. 100, pay 28·2 per cent. as taxes, and those who plead for the poor will kindly read this. Those whose annual valuation is Rs. 100 pay 28·2 per cent. as taxes and those whose annual valuation is Rs. 10,000 pay at the rate of 19·5 per cent. Is this intended to benefit the poor? Is there any such thing in Calcutta? Nineteen and a half per cent. is uniformly charged all through. Then reference has already been made to Mr. Prentice's report. I do not like to take up time by going through the same again. Coming to Cossipore-Chitpur, to me it appeared that it should be amalgamated with Calcutta. When the matter was brought before the Corporation, I was responsible for the resolution which was placed before the Corporation and which was subsequently adopted by it for the amalgamation of Maniktala and Cossipore-Chitpur. Cossipore-Chitpur already looks like a part of Calcutta. Practically Cossipore-Chitpur is an extension of Calcutta on the north, and when the Select Committee in their wisdom decided not to take in the Cossipore-Chitpur municipality, I had to acquiesce, more so because there was the statutory obligation of payment for their improvement. I thought that it would be better to be satisfied with Maniktala for the present and to improve it and to leave Cossipore-Chitpur to be dealt with later. I find my friend, Babu Surendra Nath Mallik, who is more energetic and more enthusiastic about this than myself, would not give up his attempt and would stick to it. If he would, I would vote for it. At the present moment my enthusiasm for Cossipore-Chitpur has practically deserted me.

Then coming to the Garden Reach municipality, I find that the Select Committee's recommendation is that we should take in practically half and will pay the Garden Reach municipality a sum of money equivalent to half of its loss. I cannot understand this position. The Garden Reach municipality realizes certain taxes from certain people, and spends in some way. Now because you are taking a portion of their area away, they say that they are likely to be very poor and that you must return them half of the taxes which they lose. I cannot reconcile myself to that principle. I must say that there is something wrong and that is why those who recommended that, did so rather in a halting spirit. If the principle is wise and sound and fair, why not return the whole, why half? Therefore, I am disposed to think that it not desirable that we should return the Garden Reach municipality anything. Then what is to be done? To me it appears that if you do not return that, that municipality would be crippled. In order to avoid that, Mr. Stuart-Williams has suggested taking over the whole municipality. With that view I agree. This is all that I have to say. I sincerely

hope that at least the Maniktala municipality would be amalgamated with Calcutta.

Mr. W. C. CURRIE: I rise to support the amendment of Mr. Stuart-Williams to include the Garden Reach municipality within the Calcutta Corporation. The question is one of vital importance not only to a certain number of employers of labour but also to a vast number of the working classes and is therefore deserving of the careful consideration of the Council. The present boundaries as scheduled in the Bill include the new Dock area which at present forms part of the Garden Reach municipality and which contributes about one-third of the revenue of that municipality. Even allowing for the gratuitous payment which the Calcutta Corporation have offered to the Garden Reach municipality to solace the latter for the withdrawal of its most remunerative area, the result will be to cripple that municipality and to cause retrogression instead of progress in a district which is now a large industrial one, and which must, in the very near future, from its position, become one of the largest industrial areas within the precincts of Calcutta. From whichever point of view we look at it, from sanitation, roads, water-supply, lighting, from in fact all the amenities of life of the inhabitants, there cannot be any comparison between the advantages of domicile under the Calcutta Corporation and under the Garden Reach municipality as it would be if deprived of the King George's Dock area.

The municipality is at present controlled by a progressive set of commissioners who have carried out numerous improvements, thanks largely to the energy displayed by the Chairman, Mr. J. A. Murray.

They have at present in hand a new water scheme, and contemplate in the future proceeding with a sewage scheme for their whole district. Owing to the closing of certain roads by the Port Commissioners, a re-arrangement of certain roads within the remaining portion of the municipality is necessary. Surveys have been made of the first part of the scheme and the cost of the whole cannot be estimated at less than Rs. 2,00,000. These new roads, it should be borne in mind, are rendered necessary by the construction of the new docks. If the municipality is crippled financially, then the sewage scheme will have to be stopped.

The completion of the new docks will, as a natural sequence, bring with it further complements of trade, increased labour accommodation, increased traffic. At present even the Garden Reach area as left under the present proposals of the Bill include two Jute mills, two large ship-repairing and ship-building yards, a cotton mill and various smaller factories and works, employing in all 20,500 hands, apart from their families, which will increase the number to probably three times as much, say, 60,000 souls. To these people their life within the Calcutta Corporation must be infinitely more healthy and pleasant than

under the proposed new Garden Reach municipality which cannot possibly be expected to provide the same amenities as its richer neighbour, and the advantages of a healthy and contended labour force are such as must appeal to all sections of the community. I trust, therefore, the Council will give this amendment their careful consideration.

Babu AMULYA DHONE ADDY: I am opposed to the amalgamation of Maniktala as well as Cossipore-Chitpur with the Calcutta municipality. I beg to submit that this Council should not be guided or rather influenced by the oratory of our esteemed friend, Babu Surendra Nath Mallik. I will simply draw your attention to the bare facts and figures. The ratepayers of these two municipalities have been enjoying the franchise of having two distinct municipalities since 1884, and unless and until we can prove that there are special reasons for the amalgamate of these two municipalities with Calcutta, we should not amalgamate them. I beg to submit that if it is desirable to amalgamate these two municipalities with Calcutta, certainly there are other municipalities adjoining Calcutta which should also be amalgamated. I mean the Tollygunge municipality, the Garden Reach municipality, and especially the South Suburban municipality. The rate of mortality in the latter municipality is very high and that from cholera is the heaviest owing to the scarcity of filtered water. The supply of filtered water is about one gallon per head per day. If the object of our esteemed friend, Babu Surendra Nath Mallik, is to improve the sanitation of the adjoining municipalities, certainly the South Suburban municipality should be amalgamated with Calcutta

It has been said that the Cossipore-Chitpur municipality is unhealthy, but I beg to submit that the rate of mortality in this municipality is materially less than that of Calcutta. It appears from the Administration Report of the year 1921-22 that the rate of mortality there was 21 per thousand, while in Calcutta it was 39·3 per thousand in 1920-21. That is the reason why Cossipore-Chitpur should not be amalgamated with Calcutta. It has been said that the Calcutta Corporation is in a position to incur the necessary expenditure for the improvement of Maniktala as well as Cossipore-Chitpur, but it will appear from the Administration Report for the year 1920-21 that there was a deficit of Rs. 9,58,000 and, had not the closing balance been sufficient, the Corporation would have been under the painful necessity of increasing their rates. As regards the borrowing capacity of the Corporation it will also appear from that very report that the Calcutta Corporation has already committed itself to an expenditure of about Rs. 2½ crores for the improvement of water-supply and that it shall have to incur an expenditure of about Rs. 1 crore for the improvement of its drainage. Then there are other dangers because there is a proposal to levy 2 per cent. on the citizens of Calcutta to meet the police charge. Therefore, it is not advisable to incur any additional expenditure for the improve-

ment of these two municipalities at the cost of the citizens of Calcutta. It appears from the note of the learned Chairman of the Corporation that we shall have to incur an expenditure of Rs. 90 lakhs for the improvement of water-supply, drainage, and lighting of these two municipalities. If that be the case, allowing for interest at 6 per cent. and 2 per cent. per annum for contributing to Sinking Fund, we shall have to spend more than Rs. 7 lakhs per annum. But what is the suggestion of the Corporation? To pay one lakh to the Maniktala municipality and another lakh to the Cossipore-Chitpur municipality. Is it sufficient? Not for good, but for ten years only. The Corporation shall have to incur this expenditure not for ten years but at least for thirty years, in order to pay off this loan. It has been said that we need not incur this expenditure in the course of two or three years. I admit it, but, however, we must incur this expenditure within a reasonable period. Then it will appear that the local people of Cossipore-Chitpur are opposed to it; their representatives are opposed to this amalgamation. The District Magistrate himself, who is to a great extent responsible for the improvement of the sanitation of this municipality, is opposed to it. Therefore, is it right and just that we should trample down the views of the local people as well as their representatives in this way? I would draw your attention to the report of the Government Committee. It will appear from that report that they are strongly opposed to the amalgamation of Cossipore-Chitpur with Calcutta. This Committee has taken the deposition of 67 witnesses. They have also taken into consideration the report of several public bodies and especially bodies interested. They have gone through this evidence and have come to this conclusion. I think that it is advisable to accept that recommendation. I admit that in the case of Maniktala they have recommended the inclusion within Calcutta, but their recommendation is a conditional one. They have stated that the Corporation must contribute at least Rs. 3 lakhs every year, but what is the decision of the Corporation? What is the decision of the Select Committee? They propose to contribute only a lakh for ten years only? Therefore, we must presume that under the circumstances the Government Committee has not recommended the inclusion of Maniktala within Calcutta.

Then it has been stated that as soon as the municipalities are amalgamated with Calcutta, the Corporation will incur the heavy expenditure for the improvement of the sanitation of these two localities. Well, let us see what has been done in the case of the area which has been added in 1888. I am really ashamed of that, being a member of the Calcutta Corporation. When this area, especially the area to the west of Tolly's Nalla was amalgamated with Calcutta, we were assured that we would get a sufficient supply of filtered water. Notwithstanding the fact that the minimum pressure of filtered water is 40 feet under the k.w, what are we getting? During mid-day we do

not get a single drop of water and the pressure of filtered water ranged from 5 to 20 feet in wards 23 and 24. As regards the sanitation of ward 24, which my friend, Babu Surendra Nath Mallik, used to represent, the rate of mortality is the heaviest. This is the area which has been entrusted to the Calcutta Corporation in 1889. Notwithsanding its assurance, the Corporation has failed to discharge the duties entrusted to it, that is the reason why I am most reluctant to make an addition of any other area to Calcutta because I am one of the sufferers, and I feel for them. It has been said that Cossipore-Chitpur is practically an integral part of Calcutta, but I find Baliaghatta and the Eastern Bengal Railway intervening. How can it then be called an integral part of Calcutta?

Then about housing accommodation. We have sufficient lands in the suburbs in the southern portion of Calcutta for housing accommodation and I am sure that, as soon as the Calcutta Rent Act is repealed, the number of houses will materially increase.

Then, there is one more reason as to why some members of the Corporation appear to be anxious to amalgamate Cossipore-Chitpur with Calcutta—the existence of the overhead tank at Talla for which the Corporation is obliged to pay heavy rates to the Cossipore-Chitpur municipality. That is no good reason for amalgamation.

I will draw your attention to the sacred assurance of the Hon'ble the Minister in charge of the Department of Local Self-Government who, at the time of the introductoin of the Bill, stated that having regard to the feelings of the people of these localities and the sentiments of these people, it was not desirable that these municipalities should be amalgamated with Calcutta. Having regard to the said sacred assurances, the strong recommendation of the Government Committee consisting of experts, I beg to submit that it is not at all desirable to include Cossipore-Chitpur in Calcutta.

The Council adjourned for 15 minutes.

After the adjournment.

Maulvi YAKUBUDDIN AHMED: I come from the mufassal. I have no house either in the municipality of Cossipore-Chitpur or Maniktala, so I come here as a disinterested member of the Council. With regard to the suggestion that the people residing in the Maniktala municipality have no complaint, I may mention that I have in my hand a petition signed by numerous inhabitants in that municipality. They say that it would be disastrous if the Maniktala municipality is included in the Calcutta Corporation. Many members of the Council have spoken against this inclusion. Babu Surendra Nath Ray, Babu Amulya Dhone Addy, Mr. S. Mahboob Aley, my friend, Mr. Syed Nasim Ali, against whom invectives have been hurled by the acting Chairman of the Corporation, Rai Dr. Haridhan Dutt Bahadur, and Mr. D. C. Ghose have all

spoken against it. They are men who are connected with the Calcutta Corporation. Rai Dr. Haridhan Dutt Bahadur said that Mr. S. Mahboob Aley is connected with the Maniktala municipality, but three of the gentlemen who have spoken in favour of the inhabitants of the Maniktala municipality are intimately connected with the Corporation also. Against Surendra Nath Mallik's invectives and rhetoric I beg to place before the Council the considered opinion of a very experienced member of the Council, who is the revered uncle of Babu Surendra Nath Mallik. He is Mr. P. N. Mallik for 45 years a member of the Corporation. He says——

Babu SURENDRA NATH MALLIK: I rise to a point of order in respect of a little terminological inexactitude. He is not my uncle but my cousin.

Mr. PRESIDENT: Maulvi Sahib, let the gentleman in question stand on his own merits.

Maulvi YAKUINUDDIN AHMED: He is a Mallik and a Mallik is a Mallik. He says that a portion of the suburban municipality was amalgamated with the Calcutta Corporation on the 1st April, 1889. From the day of this amalgamation the people of that locality have been paying 19½ per cent. instead of the previous existing rates. Has this increased payment for so many years improved the added area? A glance at the town wards will show that they have been well attended to; but I shall ask those who want to give any opinion on the amalgamation to take a little trouble and see for themselves certain portions of wards 19, 20, 21, 23, 24, and 25 (which I shall describe further on). They will find a most wretched and neglected state of affairs. The condition of the poor ratepayers are indeed pitiable in the extreme. A drive over the High Level Sewer from the Tengra Slaughter House towards the south side will show that what I have said is strictly true. It will be seen that swine in any numbers on both sides of the high Level Sewer commit serious nuisance and a horrible smell pervades the atmosphere all day and night, making life miserable. This is the state of ward 19. Turning towards ward 20 one will find that one-third of it is a water-logged marshy tract quite unfit for human habitation. Here also a sickening smell comes from the Dhappa side. No portion of Maniktala, Chitpur and Cossipore is as bad as this. As for ward 21, nearly 2 square miles are paddy-fields and lands overgrown with jungle and covered with filthy tanks. We ought to thank the Calcutta Improvement Turst who are doing all they can between Tolly's Nalla and the Eastern Bengal Railway line about Ballygunge by laying out roads 40 to 100 feet wide. But there is no population there. Malaria is rampant there and people are afraid to live there. Though there is a tramway service down to the Tollygunge Club, yet the fares are prohibitive to the working classes. In ward 23 about one-fourth of its

total area towards the south-west is entirely uncared for without any roads, lights or water-supply.

This is the state of affairs as described by a municipal commissioner of long experience. On such grounds the inhabitants of the Maniktala municipality can rightly complain against its inclusion within the boundaries of Calcutta of which my friend, Mr. D. C. Ghose, is a warm advocate and who invokes the weighty words of the Hon'ble the Minister that the fundamental principle should be thaet there should not be any right on the part of Government to impose its will upon the people.

The Boundaries Committee that was appointed, was appointed at the instance of the Calcutta Corporation. Sir, they cannot be judges in this matter. An impartial tribunal should be the judge between these municipalities and the Calcutta Corporation, and not a Commitee formed at the instance of the Calcutta Corporation. The President of the Calcutta Improvement Trust Tribunal, Dr. S. C. Banarji, has in his considered opinion as an experienced gentleman submitted a note against the inclusion of these municipalities within the municipality of Calcutta. If that be so, I think there is a volume of opinion against their inclusion. Therefore, relying on the assurance given by the Hon'ble the Minister that no attempt will be made by Government to impose its will upon the people, I hope that not only the municipalities of Cossipore and Chitpur, where my friend, Mr. D. C. Ghose, has some interest, but also that Maniktala municipality will not be included within the Calcutta Corporation.

Dr. A. SUHRAWARDY: At this fag-end of the day, I have no desire to inflict any speech on the House whether it be short or sweet; but as a member of the Select Committee I signed the report without expressing any dissent as to the amalgamation of the suburban municipalities. I therefore owe it to myself now that I have changed my mind, not to record my vote in silence but to offer the House a few words by way of explanation.

After listening to the imperial arguments advanced by the Chairman of the Second City of the Empire and the Commissioners of the Calcutta Corporation, I have changed my mind: and I now oppose the amalgamation of the suburban municipalities with the Calcutta Corporation (Hear, hear). The arguments advanced by the Chairman of the Calcutta Corporation for the extension of the boundaries of his *khas mahal*—to borrow his own happy expression—may be an argument of the Japanese for the annexation of Korea, of Germany for the annexation of Poland and Alsace-Lorraine of the Allied Powers for the absorption of the late Turkish Empire. The reasons which have been advanced go to show that the proposed amalgamation is not for the benefit of the people of Maniktala, Cossipore-Chitpur, and Garden Reach, but for the benefit of the people of Calcutta, so that the latter may have fine promenades, avenues, and parks. These are the grounds put forward by my friend,

the Chairman of this Second City of the Empire, for the legitimate expansion of this great city.

In these days of decentralisation, of partition and repartition, imperial arguments, based on efficiency or otherwise, do not appeal to me, and I do not think that these arguments appeal to the House. One argument put forward is that of self-determination or something like it. It has been said that a Boundaries Committee was appointed to ascertain the views of the people of these municipalities which are proposed to be amalgamated. I do not know whether a Committee had been appointed in order to ascertain whether, in the interest of efficiency, the people of Calcutta desire that the boundaries of Calcutta should be restricted. I do not know whether any such Committee was ever appointed.

There are Muhammadan arguments which my friend, Maulvi Fazl-ul Haq, will advance, viz., as to how the Muhammadans would be affected by the absorption of these municipalities in the municipality of Calcutta. There is one argument—and a legitimate argument too—which I may put before the House, viz., that a clause will be enacted authorising the Calcutta Corporation to restrict the slaughter of cows. Well, that is an argument—if no argument be available—which will certainly appeal to the Muhammadans for opposing the inclusion of these municipalities and the extension of the boundaries of Calcutta. With these words, I beg to oppose the proposal for the amalgamation of the suburban municipalities with the Calcutta Corporation.

Mr. F. E. E. VILLIERS: I do not intend to take up very much of the time of the House in dealing with this question or in speaking on it, since it has been dealt with and spoken of by many members on both sides of the House and from all points of view. I should like, however, to say a few words with regard to the one municipality of which I have personal knowledge, viz., the Maniktala municipality, and speaking as one of the non-official representatives of the European constituency, I feel it incumbent on me not to let this opportunity slide with regard thereto; but since I have no first-hand knowledge of the other municipalities I do not intend to touch on them.

Well, Sir, various arguments have been put forward by the protagonists of keeping the Maniktala municipality separate from the Calcutta Corporation, but none that carry any conviction. One of the first reasons that has been adduced is that it is not going to benefit the Calcutta Corporation. I ask the House—Was the Sabbath made for man, or man made for the Sabbath? Do we exist for the good of the Corporation or does the Corporation exist for our good? Does the Chairman of the Calcutta Corporation draw his salary for our good or do we exist in order to supply a livelihood to the Corporation? The answer is obvious. Indeed, it would be childish to pursue it at greater length. The point—or rather the two points that we have to consider and they

are to a great extent interlocked—are these—Is the inclusion of Maniktala in the Calcutta municipality going to benefit Calcutta, and is it going to benefit Maniktala and its inhabitants? Mr. Amulya Dhone Addy has asked for reasons as to why it should be included, saying that thus far no good reasons have been adduced for its inclusion. I ask Babu Amulya Dhone Addy—Do the rotting and fly-blown corpses of dogs and animals lying about the streets constitute a reason? Do tanks congealed with the slime of ages constitute a reason? Do crowded *bustees*, crying aloud for sunlight and air to dissipate their fœtid atmosphere constitute a reason? Do open drains, which are a standing disgrace to whoever has been responsible for the sanitation of the Maniktala municipality, do these constitute a reason—how many more reasons does Mr. Addy require? (Hear, hear.) The only protagonists of keeping Maniktala separate from Calcutta appear to be those who have an interest in the offices of the municipality rather than in the well-being of the municipality itself, and these, judging by what I personally know of that benighted place, had better keep quiet in their seats. I would ask the House, therefore, to accord its full support to voting against this amendment.

Babu JATINDRA NATH BASU: The facts that have come out in to-day's discussion have shown that the condition of the areas included within the suburban municipalities is far from satisfactory. They want sewer systems; they want water and lighting systems; they have bad roads, in fact very few roads. Now, if they are in need of these municipal conveniences, how are they to be obtained? It has also come out in the course of the discussion that the resources at their disposal are limited. With the slender means and with the credit that they command it is not possible for them to launch upon any large loan scheme which would enable them to bring into being these municipal conveniences. Several speakers have said that the inclusion of these municipalities within the limits of Calcutta would throw a heavy burden upon them and the burden is already too heavy for them with their slender means to bear. If they combine with Calcutta, they would have broad shoulders to bear the burden for them. I speak not only from the point of view of the citizens of Calcutta but of the inhabitants of these municipalities when I say that, in their own interests, it is necessary that they should have the assistance of the broad shoulders of the Calcutta Corporation to bear all this burden (Hear, hear).

When, in 1888, the limits of the Calcutta Corporation were extended, the area was increased nearly to double the old area. Towards the south the area was extended nearly 2½ miles, but towards the north, Maniktala and Cossipore, the extension was a little over 200 square feet. The consequence is that the northern area of Calcutta has become badly congested. Sir, there are certain municipal conveniences in Calcutta which attract people to it. First of all, there is the trade and business of

Calcutta and then there are the schools and colleges, hospitals, shops, and various other things which the people of Calcutta enjoy. We have also a better water system and the roads are better. If we compare the condition of municipal Calcutta with that of any other municipal town in Bengal we immediately notice the difference. I am not only speaking of the roads paved with tar macadam or pavements laid with Indian Patent Stone, but there are several other conveniences which will manifest themselves if you visit any municipalities other than Calcutta. The ideal should be that all the suburban municipalities should try to come up to the standard of Calcutta and how can they do so? Are they to remain behind Calcutta in every respect or are they to come to the level that Calcutta has reached?

Mr. S. Mahbooh Aley as well as other speakers have said that the result will be that the poor who now inhabit these localities will be driven away because the burden of taxation which is already heavy will be heavier. I say, Sir, that this apprehension is not well founded. With well-organized municipal amenities and with the provision that the present Bill is making in this direction, the poor will be better housed in Calcutta than they are now in Maniktala or Cossipore-Chitpur. As Mr. Prentice has shown in his report, the habitations of the poor outside Calcutta are not fit to be occupied even by animals. So, Sir, if those municipalities are included in Calcutta, there is no apprehension that the poor will be neglected; on the other hand they will be very well looked after.

There is one consideration which Babu Surendra Nath Mallik brought to the notice of the House, and it is that if we do not include these municipalities now, they will develop certain features which it would be extremely difficult to mend when improvements are started hereafter. When the roads of Calcutta first began to be properly looked after—they were winding and irregular, like Zig Zag Lane, Serpentine Lane, and Maharaja Sir Narendra Krishna Second Bye Lane. I do not know if any members have been to those localities. The houses were built at random, the roads were laid out most irregularly. We all know that in these suburban municipalities the number of roads are very few, which certainly militate against the convenience of the inhabitants. Besides, with their slender means they cannot incur large expenditure in laying out new roads; this can be done by the Calcutta Corporation. The expenditure in laying out roads will add to the health and general conveniences of those localities.

It has also been pointed out that the Calcutta Improvement Trust has already laid out open spaces in the Cossipore-Chitpur municipality. The area of the open space is about 228 bighas; they have also a housing scheme in that municipality comprising an area of about 150 bighas. The cost of the acquisition and the opening out of the areas

will be very heavy and it will ultimately fall on the Calcutta Corporation. Now, why should the cost of these improvements fall on the Calcutta Corporation if it is not to derive any benefit from it?

It has been stated by some speakers that the area that was included under the Act of 1888 was not properly looked after by the Calcutta Corporation, but those who remember the condition of Calcutta 30 years ago, of Alipore, Ballygunge, Ultadanga, and such parts of Maniktala as are on this side of the canal, will know what a tremendous improvement has been effected in the added area. There were very few roads then. The area was full of tanks and jungle. Now there are well laid-out roads, proper building plots, and fine houses springing up there. So their connection with the Calcutta has undoubtedly benefited these localities.

From the point of view of the residents in these municipalities as well as from the point of view of the Calcutta Corporation it is beneficial that these municipalities should combine with Calcutta. We all know that small entities when combined become great and strong. The various States of Canada united and became great Canada. The separate States of Australasia united and formed the Commonwealth of Australasia. If the neighbouring municipalities combine, the benefit will redound to them as well as to the Calcutta Corporation. With these words, I beg to support the inclusion of the suburban municipalities with the Calcutta Corporation.

Mr. PRESIDENT: I now call upon those hon'ble members to speak who want to speak on Maniktala only, because if there are no more speakers on Maniktala I should like to conclude that part.

Dr. PRAMATHANATH BANERJEA: I am not a resident of Maniktala, but my house is situated within a stone's throw of the suburbs of our city, and I have paid many visits to this place. Nobody can spend even a few minutes there without being struck by the insanitary condition of Maniktala. Now the question is whether it is possible to improve its insanitary condition without including it within the jurisdiction of Calcutta. The situation of Maniktala is so peculiar that all who are able to speak with authority and experience on the subject are agreed in holding that its amalgamation with Calcutta is essential for the improvement of the suburbs. Its drainage problem cannot be solved and its storm-water cannot be discharged without such an amalgamation. The inclusion of this area within the jurisdiction of Calcutta is also desirable in order that the difficulties which this locality now experiences in the matter of drinking water-supply may be remedied. Sir, an overwhelming majority of the population of Maniktala is in favour of amalgamation. There is, I know, a minority opposed to this view. But the opposition of this minority is based on sentiment, and as such is entitled to great weight. Some residents of

Maniktala wish, naturally enough, to maintain the separate existence of their suburban town. I respect this sentiment. I am strongly of opinion that no larger body ought ever to be allowed to swallow up a smaller one unless it can be conclusively proved that the inclusion of the smaller area in the larger one is to the advantage of both the areas and of the smaller area in particular. If it were the case that the Calcutta Corporation wanted such an inclusion in order that it might add to its dignity and greatness, I would certainly have opposed it. But I am convinced that the majority of the population of Maniktala are right in holding the view that their welfare would be promoted by its amalgamation with the Calcutta municipality. The advantage to the residents of Calcutta is only a secondary consideration, but even from this standpoint, amalgamation seems to me to be desirable. The expansion of the city of Calcutta is a matter of the greatest importance. I admit that centralization carried too far may produce many evils. Now that the city of Calcutta is going to extend its boundaries we must do our best to guard against the appearance of these evils in the administration of our city. The remedy would lie in forming local bodies under the Calcutta Corporation and investing them with some measure of local authority. This can be done by adopting a system similar to the borough system which prevails in the London County Council. I am of opinion that we ought to accede to the wishes of the majority of the people of Maniktala, and I oppose the amendments moved by my friends, Mr. Syed Nasim Ali, Shah Syed Emdadul Haq, and Babu Hem Chandra Nasker.

Rai JOGENDRA CHUNDER GHOSE Bahadur: There are one or two arguments in favour of the inclusion of Maniktala which have not yet been answered by anybody. The first is this: that the opinion of the local people is unanimous, says the report, that it should be so included. What have strangers here to say to that opinion? The opinion of one or two men who may have some place in the municipality goes for nothing. The next point is this: it was pointed out by Babu Surendra Nath Mallik that under the present Act, the Calcutta municipality has to pay all expenses to be incurred by the Improvement Trust, now that the Improvement Trust Act has been extended to Maniktala. Are we, the ratepayers of Calcutta, to pay for the improvement of Maniktala? I want an answer to this question. The most important question of all is this: I want to have an answer to it. It is admitted that there is no outflow for the storm water; it is admitted that there is no means for the outflow of the storm water. It is admitted that there is no means for sewage. The sewerage system is to be introduced into Maniktala, and how can it be done? It cannot be done except by joining with the Calcutta Corporation. Again, the storm water of Maniktala cannot go except by being connected with the storm water sewerage of Calcutta. Who can answer that question?

Nobody can answer this. Are we to be guided by reason or are we to be guided by mere prejudice. The next question is this: Mr. Syed Nasim Ali says we are to be guided by experience. I am a member here, or rather I am the only member who can answer that. I can speak from experience, I am the only member living of the Suburban municipality, when it was amalgamated with Calcutta. I know what Bhowanipore was; I was a member for that ward in the Calcutta municipality, and I know what it has become now. We made a road in the locality in which I live which was absolutely uninhabitable. We made a road by which we filled up 21 tanks. Now, you talk of experience; here I stand to give witness to the fact that amalgamation with Calcutta will greatly improve the suburbs. Who is here to give this evidence which I am giving? Of course I know that when I was there, and we formed the Surburban municipality, the Calcutta Commissioners were very reluctant to spend any money upon the suburbs, but by sheer dint of insistence, by sheer carrying on an agitation, we carried every point that we wanted; we passed 3 crores of rupees in a meeting for the underground drainage; though we were only 3 men, but we carried it all the same. So the opposition of the Calcutta members did not effect much in the long run. What we have made Bhowanipore, Maniktala people will make Maniktala also. I therefore say it is to the best interests of Maniktala and Calcutta that Maniktala should be amalgamated with Calcutta.

Babu KISHORI MOHAN CHAUDHURI: I want to say something in this connection, though it is not necessary for us to speak on a matter like this as we are not concerned with Calcutta directly. To me the matter seems to be an important one. If there is necessity for the expansion of Calcutta, by all means it should be expanded; but it should not perhaps be done against the wishes of the unwilling people. It is a question of mutual advantage and disadvantage. The most important point is whether the people of Maniktala want the inclusion. I have two representations in my hand from the people of Maniktala. There I see opinion is divided; but on considering the question as a whole, the weight of opinion appears to be largely in favour of the inclusion. No doubt there is a section of opinion opposed to the inclusion, but I do not think that the opposition is a very serious one and that it should be accepted. A certain section of the people think that it would be a disadvantage, but that is not the question. There are some defects and these have been mentioned by my friend, Dr. Pramatha Nath Banerjea, who, it appears, has some personal knowledge of the place. His statements supports to a large extent the view why it should be included in the Calcutta Corporation. I am not satisfied with the advocacy of Babu Surendra Nath Mallik, who wants Maniktala to be included in Calcutta simply for the benefit of the people of Calcutta. That is not the ground on which it should be

accepted. As it is only the convenience of the other municipality which should determine the question, and as we are satisfied, as far as we have heard the members here—Hem Babu also says that he would be satisfied if a few seats in the Corporation were allotted to Maniktala—I do not think the objection is a serious one—so having considered all the objections advanced in this Council and the representations handed to me, I think we should support the proposal for inclusion of Maniktala municipality within the Calcutta municipality.

Sir, may I express any opinion about the other municipality?

Mr. PRESIDENT: You may go on if you have anything else to say and will be brief. You will not be allowed to speak later on. I propose to get rid of all these amendments about the extended area this evening.

Babu KISHORI MOHAN CHAUDHURI: Practically I have said all that I had to say about Maniktala.

As regards the Cossipore-Chitpur municipality, I am convinced that the people, at least the majority of them, do not want the inclusion. Therefore, I do not think we should force the benefit upon them.

Babu ANNADA CHARAN DUTTA: I am sorry for the Maniktala municipality as it is; it has got to go. Coming from a very distant part of the province this fight between the Calcutta people *per se* and the *quasi*-Calcutta people just outside it, is a little amusing to us and instructive too, because when I find that it touches the greatest of motives, self-interest, even those gentlemen do well know where and how to fight betwetn themselves, but we, who come from a distance, want to view the problem from another standpoint, namely, that Calcutta is not only Calcutta for the Calcutta people, who go by that particular name amongst the mufassal people, but Calcutta is the Calcutta of Bengal. We must look at it from a higher standpoint. It must be Calcutta which should not only be a glory to the Calcutta people themselves, but set example to other municipalities who have got to follow it. Therefore, I cannot but repeat that I am sorry for the Maniktala municipality as it is. There is a common adage amongst us, that under a big tamarind tree small grass cannot grow. The Maniktala municipality is under the gigantic shade of the Calcutta municipality; so the Maniktala has got to go. Of course, when it will be incorporated with the Calcutta municipality, there may be no vestige of the Maniktala municipality left; but the people of the municipality will become part and parcel of the bigger thing and will get more of the amenities of municipal life. This is what is known as the principle of expansion. If human beings are also a class of animals, we can get examples from the animal kingdom in the bigger devouring the weaker, because the weaker cannot look properly after itself;

therefore, either the Maniktala municipality must shift for itself elsewhere—I do not know where else it is to go—or be devoured by the bigger municipality of Calcutta. The final effect of this will be beneficial not only to the people of Calcutta, but to the people of the whole of Bengal. So that from whatever standpoint you look at if, Maniktala has got to go. Therefore after playing the part of a looker-on for the whole time, my present conviction is that the Maniktala municipality should be included in the Calcutta municipality.

Mr. PRESIDENT: I have here a petition signed by certain members of Council asking that the Council be adjourned over to-morrow on accout of the Hindu festival *Shiva-ratri*. Before coming to a decision I want to make it quite clear that I must have an assurance, if the petition is granted, that this debate will now come to an end; all these amendments with regard to the inclusion of Maniktala within the boundaries of Calcutta must be put, but if we are going on with the debate on the subject and if many speakers want to speak on Maniktala only, the Council will adjourn now and resume to-morrow.

Raja MANILOLL SINGH ROY: I move that the question be now put.

The Hon'ble Sir SURENDRA NATH BANERJEA: But Government must have the right of reply.

Mr. PRESIDENT: Of course if the petition is granted, you will have the right of reply before I put the question, but I desire to know——

The Hon'ble Sir SURENDRA NATH BANERJEA: Am I to understand, if I put it to you, Sir, that the whole of this debate will be closed to-night?

Mr. PRESIDENT: I am anxious to get rid of these amendments about Maniktala, Cossipore-Chitpur, and Garden Reach. I want to get rid of this area debate to-night.

The Hon'ble Sir SURENDRA NATH BANERJEA: You want to close the debate to-night?

Mr. PRESIDENT: Yes; we have had a very full discussion.

The Hon'ble Sir SURENDRA NATH BANERJEA: The debate divides itself really into two parts and this division has been made by the resolution of Mr. Syed Nasim Ali. Mr. Syed Nasim Ali will have no expansion of the municipal limits of Calcutta, and then we have a number of amendments proposed on the Bill which suggest such a division. Therefore, the first question which we are called upon to answer,

whether there shall be any expansion of the municipal limits of Calcutta. My answer to that is that there must be such an expansion. Things must grow, growth is the law of nature and the order of the universe. Even municipal towns must grow; Calcutta to-day is not what it was in 1888; London at the present moment comprises a population of over 4 millions, and it seems to me that it is almost as hopeless to arrest the expansion of our municipal limits as it was foolish on the part of Canute to seek to roll back the rush of the on-coming waves. Therefore, that is a settled fact; Calcutta must grow. My friend to my left, the acting Chairman of the Calcutta Corporation, pictures a greater Calcutta developed in the years to come; I entirely sympathize with that hope and that aspiration. My idea is that as the years roll on, the municipal limits of Calcutta will grow and expand until it includes even Barrackpore within its boundaries; that on both sides of the Grand Trunk Road, one of the finest roads in India, there will grow up little municipalities, self-governing institutions managed by local bodies under the guidance and control of the greater body, dealing with the larger questions of drainage, sanitation, and water-supply. That is my conception of the future of Calcutta, and I trust that someone, filling the position I have the honour to hold at the present moment, will have the satisfaction of seeing this dream realized. To-day we meet in this Council Chamber to lay the first stone of that fabric which is destined to grow in the years to come; but the growth must be gradual and steady. I have been charged with inconsistency, if not openly at least by implication. It is perhaps an unfortunate thing to have a long life and a long public career, because every now and then you are confronted with things you have said long ago, and which you possibly have forgotten, possibly have revised, and there you are—you are told— "you said so and so in the year so and so, what have you got to say now"?

Mr. DEPUTY-PRESIDENT: But this was only a year ago.

The Hon'ble Sir SURENDRA NATH BANERJEA: I quite agree; in this case the alleged inconsistency is of recent date, as my friend has just pointed out, only a year ago, but my reply to that is that I have not been inconsistent; I can say that throughout my long public career I have never been inconsistent. Those who have brought charges of inconsistency against me, those who have indulged in that pastime, have absolutely misunderstood me. What I said on the 22nd November, 1921, I am prepared to repeat now and prepared to adhere to to-day. I said that it is a part of the definite policy of Government not to support the inclusion of any municipal area within the limits of Calcutta, when it goes against the wishes of the people concerned. I support the principle of local self-government. We have a democratic bill enthroning popular opinion in Calcutta. Is it reasonable to trample it under foot in the suburbs? It is because I wanted to consult public opinion when I first formulated the idea of having a Municipal Bill, that I called a

conference and to that conference I invited the representatives of the various municipalities whose amalgamation with Calcutta was proposed: the Deputy-President was one of them; they were all wholly and decisively against the amalgamation; we dropped it, with the exception of a small area in regard to which there was no dispute. Then the Bill with this proposal for amalgamation was introduced in the Council, and then it was referred to the Select Committee. It was urged in the Select Committee that these gentlemen, the Chairman and the Vice-Chairman, did not represent the opinions of the people concerned and the same view was expressed in influential organs of public opinion. I felt it my duty to appoint a Boundary Commission; I appointed gentlemen who had no concern with municipal interests or municipal affairs; the Advocate-General was the President of that Commission, Dr. Sarat Chandra Banarji, and Mr. Woodhead were the members. These gentlemen submitted a unanimous report, and they have consulted local public opinion in regard to the recommendations which they have made. What was the recommendation as regards Maniktala? The recommendation was that the people—I am quoting from their report—"the people are practically unanimous in recommending the inclusion of Maniktala within the municipality of Calcutta." Was there here any departure, I ask, on the part of the Minister for Local Self-Government from the principle of the exaltation of local public opinion in a matter of this kind? Here was local public opinion definitely expressed by a Committee appointed for the purpose, and that opinion was in favour of the inclusion of Maniktala within Calcutta. Was I not bound to defer to that expression of opinion? So we have got that in the Bill, and therefore, Government supports the amalgamation of Maniktala within the limits of Calcutta.

Cossipore-Chitpur, however, stands on a different footing. There the Commission recommended that local opinion was against the amalgamation; further, that the financial strength of the municipality was strong, and again that the administration was efficient, and lastly I found that Mr. Prentice, the District Magistrate, who was in favour of the inclusion of Maniktala within the limits of Calcutta, was opposed to the inclusion of Cossipore-Chitpur within Calcutta. Therefore, the Select Committee came to the conclusion, in view of this deliberate, considered expression of opinion, that Cossipore-Chitpur should stand out. Government adheres to that view. Here, again, was the enthronement of public opinion; the people did not want it; we are not going to disturb local institutions against the wishes of the people. Local Self-Government means the acceptance of local popular opinion, and Government is not going to force the inclusion of Cossipore-Chitpur municipality when it went directly against the wishes of the people concerned. That is the attitude of Government with regard to Maniktala and Cossipore-Chitpur.

Then we have got two other municipalities; the Select Committee have made slight alterations in connection with the views of the Boundary Committee. With regard to Gruden Reach, there seems to be considerable difference of opinion, and the position is one of great difficulty. I desire to say this: that Government support the recommendation of the Select Committee subject to this proviso that we undertake to examine this matter at once, and, if necessary, we are prepared to take action under section 533A, which finds a place in the Bill, and under which Government is authorized to extend the limits of municipal Calcutta to suburban areas, the notification being laid before this Council. That is the position of Government with regard to the added area. I hope and trust, having made this statement, the House will uphold the soundness of the views of Government and accept the recommendations of the Select Committee.

I have nothing further to add.

Mr. PRESIDENT: I have heard enough to convince me that the House is agreed that this debate may come to an end now. I shall first of all put amendments 14 to 16.

The motion that clause 3(*a1*)(*1*) be omitted was then put and a division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Alay, Mr. S. Mahboob.
Ali, Mr. Syed Nasim.
Arhamuddin, Maulvi Khandakar.
Chaudhuri, Khan Bahadur Maulvi Nafzar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Das, Babu Shishmadev.
Faroqui, Mr. K. G. M.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Hussain, Maulvi Mahammad Madassur.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Maitra, Dr. Jatindra Nath.
Mullick, Babu Hirode Sahary.
Nakey, Mirza Muhammad Ali.
Nasker, Babu Hem Chandra.
Raul, Maulvi Shah Abdur.
Rishi, Babu Rasik Chandra.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Dr. A.

NOES.

Ali, Munshi Amir.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bartley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Currie, Mr. W. C.
Das, Mr. B. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Famindralal.
Deare, Major-General S. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Emerson, Mr. T.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
James, Mr. R. N. L. Langford.
Law, Raja Reshee Case.

Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. G.
Muir, Mr. R. H.
Mukerjee, Mr. S. C.
Mukharji, Babu Satish Chandra.
Mukherjee, Babu Nitya Dhone.
Mukhopadhaya, Babu Sarat Chandra.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Ray, Mr. G. N.
Ray, Mr. J. N.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sen, Babu Mani Lal.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 29 and the Noes 53, the motion was lost.

The motion that clause 3(*a1*)(*2*) be omitted was then put and lost.

Babu Surendra Nath Ray asked for a division.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: May I point out that on one or two previous occasions when a division has been claimed, the President has decided whether the division called for is necessary, because very often the division has been called for unnecessarily?

Mr. PRESIDENT: I quite agree, Maharajadhiraja, but the result of the last division showed that there were 29 votes in favour of the amendment, although there was only one voice asking for a division.

A division was then taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakuinuddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Mr. Syed Nasim.
Arhamuddin, Maulvi Khandakar.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Faroqui, Mr. K. G. M.
Haq, Shah Syed Emdadul.
Hussain, Maulvi Mahammed Madassar.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Moitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukhopadhaya, Babu Sarat Chandra.
Nakey, Mirza Muhammad Ali.
Nasker, Babu Hem Chandra.
Rauf, Maulvi Shah Abdur.
Ray, Babu Surendra Nath.
Rishi, Babu Rasik Chandra.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hassan.

NOES.

Addy, Babu Amulya Dhone.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Currie, Mr. W. C.
Das, Babu Bhishmadev.
Das, Gupta Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panindralal.
Deare, Major-General B. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Emerson, Mr. T.
Ghose, Mr. B. C.

Cooke, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Hug, Maulvi Ekramul.
James, Mr. R. H. L. Langford.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Malik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. G.
Muir, Mr. R. N.
Mukerjee, Mr. S. C.
Mullick, Babu Nirode Behary.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abdur.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. C. N.
Roy, Mr. J. N.
Roy, Rai Bahadur Lalit Mohan Singa.
Ray, Raja Manilell Singh.
Sarkar, Babu Jogesh Chandra.
Sen, Babu Mani Lal.
Stephenson, the Hon'ble Mr. N. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 28 and the Noes 53, the motion was lost.

The motion that in clause 3(*a1*) after sub-clause (*1*) the following be inserted, namely:—

"(*1a*) the Garden Reach municipality,"

was then put and a division was taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Crawford, Mr. T. C.
Currie, Mr. W. C.
Das, Babu Bhishmadev.
Dutt, Rai Bahadur Dr. Maridhan.
Haq, Shah Syed Emdadul.
Hussain, Maulvi Mahammed Madasser.
James, Mr. R. H. L. Langford.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Malik, Babu Surendra Nath.
Maitra, Dr. Jatindra Nath.
Morgan, Mr. G.
Muir, Mr. R. N.
Mukharji, Babu Satish Chandra.
Mullick, Babu Nirode Behary.
Nasker, Babu Hem Chandra.
Rauf, Maulvi Shah Abdur.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Salam, Khan Bahadur Abdus.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sen, Babu Mani Lal.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. Hassan.
Villiers, Mr. F. E. E.

NOES.

Addy, Babu Amulya Dhone.
Banerjea, the Hon'ble Sir Surendra Nath.
Bentley, Dr. C. A.
Birley, Mr L.
Bose, Mr. S. M.
Chaudhuri, Babu Khheri Mohan.
Cohen, Mr. D. J.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panchanan.
Deare, Major-General S. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutta, Babu Annada Charan.
Emerson, Mr. T.
Faroqui, Mr. K. G. M.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Hug, Maulvi Ekramul.
Khan, Mr. Razaur Rahman.
Law, Raja Reshee Case.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Mukherjee, Mr. S. C.
Mukherjee, Babu Nitya Dhon.
Mukhopadhaya, Babu Sarat Chandra.

Nakey, Mirza Muhammad Ali.
Rahoom, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. C. N.
Roy, Mr. J. N.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilal Singh.
Stephenson, the Hon'ble Mr. H. L.
Suhrawardy, Dr. A.

Mr. DEPUTY-PRESIDENT: By mistake, Sir, I went into the wrong lobby. I am afraid there has been the same mistake on the part of some other members as well.

Mr. PRESIDENT: The question was clearly and definitely put before the House. If members go into the wrong lobby it is their mistake, and the result of the division cannot be changed; there can be a record of the mistake in the proceedings, but the division must stand. As the vote goes, so the vote stands.

The Ayes being 42 and the Noes 40, the motion was carried.

The following motion being consequential was put and agreed to.

Mr. S. C. STUART-WILLIAMS to move, if the motion that in clause 3(*a1*) after sub-clause (*1*) insert "(*1a*) the Garden Reach municipality" be carried, that for sub-clause (*2*) of clause 3(*a1*) the following be substituted, namely:—

"(*2*) the new Dock Extension area, vested in the Commissioners of the Port of Calcutta, for the construction of King George's Dock and the works in connection therewith and lying partly within the jurisdiction of the District Board of the 24-Parganas and partly within the jurisdiction of the South Suburban municipality, and"

The motion that in clause 3(*a1*) after sub-clause (*1*) the following be inserted, namely:—

"(*1a*) the Cossipore-Chitpur municipality"

was then put and a division called for.

Mr. PRESIDENT: If members do not attend when I am trying to make the amendment clear, it will be their own fault if they vote in the wrong lobby.

A division was then taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arfanuddin, Maulvi Khandakar.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Khan Bahadur Maulvi Nafaar Rahman.
Choudhuri, Maulvi Shah Muhammad.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Crawford, Mr. T. C.
Das, Babu Bhikhnadev.
De, Rai Bahadur Panchanan.
Dutt, Rai Bahadur Dr. Haridhan.

[illegible], Mr. K. G. M.
[illegible], Shah Syed Emdadul.
[illegible], Maulvi Shamsul.
Hussain, Maulvi Muhammed Maqsoor.
Jones, Mr. R. H. L. Langford.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Law, Raja Reshee Case.
Malik, Babu Surendra Nath.
Mehta, Dr. Jatindra Nath.
Morgan, Mr. G.
Mullick, Babu Nirode Behary.
Nasker, Babu Hem Chandra.
Raheem, Mr. Abdur.
Rauf, Maulvi Shah Abdur.
Rishi, Babu Rasik Chandra.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprasad Singh.
Roy, Raja Manilall Singh.
Salam, Khan Bahadur Abdus.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sen, Babu Mani Lal.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hasan.

NOES.

Addy, Babu Amulya Dhone.
Banerjea, the Hon'ble Sir Surendra Nath.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Cohen, Mr. D. J.
Currie, Mr. W. C.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
Deare, Major-General B. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutta, Babu Annada Charan.
Emerson, Mr. T.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Khan, Mr. Razaur Rahman.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Muir, Mr. R. N.
Mukerjee, Mr. S. C.
Mukharji, Babu Satish Chandra.
Mukherjee, Babu Nitya Dhone.
Mukhopadhaya, Babu Sarat Chandra.
Nakey, Mirza Muhammad Ali.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Ray, Mr. C. N.
Roy, Mr. J. N.
Roy, Rai Bahadur Lahi Mohan Singh.
Stephensen, the Hon'ble Mr. H. L.
Villiers, Mr. F. E. E.

The Ayes being 44, and the Noes 39, the motion was carried.

Mr. S. W. GOODE: On a point of drafting arising out of Mr. Syed Nasim Ali's amendment I ask your permission, Sir, to move (*1*) that the following change in clause 1 be made, viz., that to the proviso to sub-clause (*3*), clause 1, the following be added:—

"*Explanation.*—In this proviso as elsewhere in this Act the word 'Calcutta' includes the area added to Calcutta, as defined in sub-section (*c1*) of section 3"; and

(2) that the words "including the area added to Calcutta" in the said proviso be omitted.

The intention of the clause is merely to make the proviso a little clearer.

The motion was then put and agreed to.

Mr. PRESIDENT: His Excellency has agreed to permit the Council to adjourn over to-morrow until Wednesday, owing to the *Shiva-ratri* festival.

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 14th February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provision of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 14th February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 97 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

Cases of dacoity and murder committed within Mr. Caspersz' zamindari in Bakarganj.

370. Maulvi AZHARUDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing for the last five years —

(*i*) the number of informations of cases of dacoity and murder, committed within the jurisdiction of Mr. Caspersz' zamindari that were lodged at the Matbaria police-station of the district of Bakarganj; and

(*ii*) the number of successful and unsuccessful detections?

(*b*) What was the cause of the unsuccessful detection, if any?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) (*i*) During the last five years there have been one case of dacoity (in 1918) and 4 cases of murder (one in 1919, and 3 in 1922).

(*ii*) In the dacoity case, no one was sent up for trial. In one murder case, four persons were sent up and acquitted after trial; in another case, one person was tried and convicted; and in the other two cases, no one was sent up for trial.

(*b*) There were no special reasons.

Pay of Government pleaders' clerks.

371. Maulvi RAFIUDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that the pay of the Government pleaders' clerks in the mufassal has not been revised though the pay of other officers has been increased?

(*b*) Are the Government considering the desirability of revising their pay and of making some provision for this purpose in the next budget?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mir Abd-ur-Rahim): (*a*) Government pleaders' clerks are not recognized as Government servants.

(*b*) The answer is in the negative.

Dacca Intermediate Board.

372. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state the number of students that sat for the Matriculation and Intermediate examinations of the Dacca Intermediate Board for the last two years with the percentage of passes in each of those examinations?

(*b*) What was the total cost of the maintenance for this Board during the last two years; and how much was realized as fees from examinees for each of these examinations during the last two years?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) The number of students that sat for the Matriculation examination held by the Board in March, 1922, was 440, and the number of students that sat for the Intermediate examination in Arts and Science held by the Board in March, 1922, was 379. The percentage of passes for the Matriculation was 78·2 and that for the Intermediate in Arts and Science was 69·4. These are the only Matriculation and Intermediate examinations so far held by the Board.

(*b*) The total actual cost of the working of the Board during the period from May, 1921, when the Board was first constituted, to 31st March, 1922, was Rs. 28,649-8-4. The sum realized in fees from candidates that sat for the examinations referred to in paragraph (*a*) was Rs. 17,970.

Slaughter and mortality of cattle in Pabna.

373. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the respective number of calves, cows, bullocks, and buffaloes slaughtered in the district of Pabna;

(*ii*) the rates of mortality of cattle in the Pabna district during the last five years, respectively;

(*iii*) how many slaughter-houses are there in the district of Pabna;

(*iv*) where are they located; and

(*v*) how are they controlled and supervised?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*i*) Government have no information nor is it possible for Government to collect this information.

(*ii*) Government have no reliable information on the subject.

(*iii*) to (*v*) It is reported that there are no slaughter-houses in the Pabna district.

Pabna water-works—boring experiments.

374. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) what progress has been made up to date in connection with the boring experiments regarding the proposed water-works at Pabna;

(*ii*) whether this work has been given out on the contract system;

(*iii*) if so, by whom has this contract been made;

(*iv*) to whom has this contract been given;

(*v*) what are the terms of this contract;

(*vi*) how much expenditure has been incurred up to date under the following heads:—

(*a*) land acquisition charges,

(*b*) machineries,

(*c*) labour, and

(*d*) other charges;

(*vii*) what results have been obtained under these heads;

(*viii*) when are these experiments likely to be completed;

(*ix*) what is the total amount estimated for these experiments; and

(*x*) how much of the total amount has been or is to be paid by—

(*a*) Government, and

(*b*) the Pabna municipality?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Government have made a grant of Rs. 10,000 to the municipality for a boring which will be started in a few days' time.

(*ii*) Yes.

(*iii*) The Chief Engineer, Public Health Department.

(*iv*) The Bengal Chemical and Pharmaceutical Works.

(*v*) To bore a tube-well 5 inches in diameter and 250 feet deep.

(*vi*) Nil.

(*vii*) None as yet.

(*viii*) In about two months' time.

(*ix*) Rs. 10,000.

(*x*) The whole is paid by Government.

Pay and travelling allowances of inspecting officers of schools of Rajshahi and Chittagong divisions.

375. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing separately—

(*i*) the pay; and

(*ii*) the amount of travelling allowance

drawn by each of the inspectors, additional inspectors and assistant inspectors of schools of the Rajshahi and Chittagong divisions during the years 1919-20, 1920-21, 1921-22 and 1922-23 (up to October, 1922)?

The Hon'ble Mr. P. C. MITTER: A statement giving the required information is laid on the table.

Statement referred to in the reply to unstarred question No. 375.

Designation.	Amount of pay drawn during—				Amount of travelling allowance drawn during—			
	1919-20.	1920-21.	1921-22.	1922-23 (up to October).	1919-20	1920-21.	1921-22.	1922-23 (up to October).
Rajshahi Division.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A.
Inspector of Schools	10,831	7,200	7,200	4,800	2,319	2,184	2,058	958 8
Second Inspector of Schools (Assistant Inspector of Schools, Jalpaiguri, officiating).	...	*	5,200	4,200	...	1,920	1,971	1,290 8
Assistant Inspector of Schools, Jalpaiguri.	2,400	3,000	3,712	...	1,602	1,128	1,136	...
Assistant Inspector of Schools, Bogra.	3,600	4,200	5,163	...	1,534	1,788	1,904	...
Assistant Inspector of Schools for Muhammadan Education.	2,400	3,000	3,128	2,400	1,224	1,968	1,726	1 088 0
Chittagong Division.								
Inspector of Schools	10,200	11,524	12,520	7,879	3,404	3,635	2,572	1,840 0
Second Inspector of Schools ...	1,476	3,600	4,670	1,280	717	1,065	1,872	207 0
Assistant Inspectors of Schools ...	6,100	5,800	8,777	2,600	3,345	3 238	4.871	989 0

* The acting incumbent drew only the salary of his substantive post.

Alleged illegal charges at the sub-registry offices in Pabna and Tippera.

376. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*i*) the number of sub-registry offices in the districts of Pabna and Tippera;

(*ii*) the number of ministerial officers attached to each of these offices; and

(*iii*) the number of touts and professional deed-writers doing work in each of those offices?

(*b*) Is the Hon'ble the Minister aware that the touts and professional deed-writers doing work in those offices charge high rates from the registrants?

The Hon'ble Mr. P. C. MITTER: (*a*) A statement is laid on the Library table.

(*b*) No.

Finances of Dacca University.

377. Babu SATISH CHANDRA MUKHARJI: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the finances of the Dacca University have been audited?

(*b*) If so, will the Hon'ble the Minister be pleased to lay a copy of the audit report on the table?

(*c*) Is it a fact that the Dacca University funds had to meet the travelling expenses of its Vice-Chancellor?

(*d*) If so, will the Hon'ble the Minister be pleased to state the amount of the same both last year and this year?

(*e*) Will the Hon'ble the Minister be pleased to state the purpose for which trips were made by the Vice-Chancellor?

(*f*) Will the Hon'ble the Minister be pleased to state whether the Dacca University spends any money on social functions?

(*g*) If so, from what funds does it spend money for such functions?

(*h*) Will the Hon'ble the Minister be pleased to state the number of students in the Dacca University?

(*i*) Will the Hon'ble the Minister be pleased to lay a copy of the budget of the Dacca University on the table?

The Hon'ble Mr. P. C. MITTER: (*a*) The accounts of the University from February, 1921, to 31st March, 1922, have been audited subject

to the recasting of the accounts under the new budget headings suggested by the auditor and to be approved by the Executive Council.

(*b*) The audit report has not yet been received by the University from the Accountant-General.

(*c*) Yes, in respect of journeys on University business.

(*d*) A sum of Rs. 630-10-0 was paid in 1921-22 and a sum of Rs. 391-15-0 in 1922-23 (up to 31st December, 1922).

(*e*) In 1921-22, five journeys were made to Calcutta for (*1*) interviewing the Chancellor, (*2*) interviewing candidates for University posts, (*3*) attending the meeting of the Faculty of Law, and (*4*) other office duties. In 1922-23, two journeys were made to Calcutta for attending the Selection Committees and one journey to Darjeeling for interviewing the Minister of Education with regard to finances of the University.

(*f*) A garden party was given at the inauguration of the University in 1921 to meet His Excellency the Chancellor.

(*g*) The cost of the garden party was paid from the initial grant paid in 1920-21.

(*h*) The number of students is 1,263 (including 74 students of the Training College preparing for the L.T. diploma and B.T. diploma and 139 students of the Dacca Medical School who take Physics and Chemistry at the University).

(*i*) A copy of the budget for 1922-23 for recurring expenditure is laid on the Library table. The budget for capital expenditure is not yet ready.

Government Bill.

The Calcutta Municipal Bill, 1921.

CLAUSE 3.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): The House will now proceed with the consideration of amendment No. 19, clause 3 (*4*).

Babu JATINDRA NATH BASU: I move that for clause 3(4) the following be substituted, namely,—

> " (*4*) ' Bazar ' means a place of trade (other than a market) where there is a collection of not less than twenty-five shops or warehouses ".

In this Bill we have too many definitions unlike what we had in the Goondas Bill. We have the word "market " defined and we have also the word " bazar." I am told that the difference between the two words is that a market is a place where articles of food are sold, and a bazar

is a place which is a market, but not a place where articles of food are sold. The definition is so wide that a whole locality may be called a bazar and the special regulations that are applicable under this Bill and set out in a subsequent chapter will be made applicable to a place which the Corporation might decide to be a bazar. For instance, in Chowringhee there are several shops. It is a place of trade and there is a collection of shops and warehouses, and if it is resolved by the Corporation that it is a bazar it would be treated as such. The expression " a place of trade " does not necessarily restrict the place to one particular premises; it may be the whole locality, for instance, Bentinck Street, Cornwallis Street, Chitpur Road, where every house is a shop. The definition simply says " any place of trade where there is a collection of shops." I therefore think, Sir, that it might lead to hardship and that the definition should either be made more clear or in the way that I suggested, namely—

" ' Bazar ' means a place of trade where there is a collection of not less than 25 shops or warehouses."

With these words I beg to move my amendment.

Rai Dr. HARIDHAN DUTT Bahadur: I am sorry I have to oppose the motion of my hon'ble friend, Babu Jatindra Nath Basu. I want to point out to him that his amendment, if accepted, would defeat the purpose he has in mind. He says Cornwallis Street or Chowringhee, where there is a collection of shops, can be treated as a bazar. But, if, as he suggests, we restrict the number to 25, every important street in Calcutta would be converted into a bazar. Certainly Chowringhee and Cornwallis Street contain more than 25 shops. I am afraid my hon'ble friend has misunderstood the whole thing. Bazar means a collection of shops in one premises and here it is clearly put down that a bazar means any place of trade where there is a collection of shops. We had a long discussion in the Select Committee about it and it was found to be rather difficult to lay down the exact number of shops which would constitute a bazar and we decided to leave it to the discretion of the Corporation. If my hon'ble friend looks at the last two lines he will see that it is clearly stated there that the Corporation can, at its discretion, declare a premises to be a bazar.

Babu AMULYA DHONE ADDY: I beg to support the amendment of my hon'ble friend Babu Jatindra Nath Basu. The present definition of " bazar " is as wide as possible. It is a place where there is a collection of shops, the number of which will be fixed by the Corporation. It may be 5 or 10 or 100. Therefore, I think it is desirable that the number of shops or warehouses which constitute a bazar should be fixed by law. The special reason as to why " bazar " should be properly defined is this. Under clause 395 the Corporation can enforce the owner of a bazar to open out roads leading to the bazar at his cost. But, Sir,

if that person happens to be the owner of a number of buildings used for dwelling purposes and if the opening out of such a road is found to be necessary, it must be done at the cost of the Corporation. The Corporation cannot force the owner of such a block of dwelling-houses to construct a road. But if he happens to be owner of a bazar, namely, a place where there is a collection of shops or warehouses, he can be forced to open out that road at his own cost. That is the reason why it is desirable that bazar should be properly defined especially on the ground that there is no such definition in the Bombay Municipal Act or any other Act. Of course, in the case of a market, there should be such a provision, but in the case of a bazar, which is nothing but a collection of shops, there should not be any such provision. Under the circumstances I submit that "bazar" should be properly defined.

Mr. D. C. GHOSE: I rise to oppose the amendment which has been moved by my hon'ble friend, Babu Jatindra Nath Basu. I submit that mere number cannot determine whether a place is a bazar or not. There was a discussion, as has been pointed out by my hon'ble friend, Dr. Dutt, in the Select Committee whether 12 or 15 or 25 should be the number of shops making a bazar or not, and then we ultimately decided—and I think it is a right decision—that it should be left to the Corporation to determine in each case whether a place is a bazar or not. Sir, whether a place is a bazar or not must depend on the circumstances of each case, and I think it is right and proper that the matter should be left to the discretion of the Corporation.

Babu SURENDRA NATH MALLIK: After what has been said by my hon'ble friends, Dr. Dutt and Mr. Ghose, I do not think there is much that need be said. The last two lines of the clause were deliberately put in by the Select Committee, after a good deal of consideration, for the purpose of obviating all difficulties which might arise in such cases of which my hon'ble friends over there has spoken, namely, there might be 25 shops or warehouses appertaining to the streets on the side of a public street. We do not take them to be a public bazar, otherwise the book shops on College Street and Cornwallis Street might be called bazars. But we have not done that. I really think that discretion must be left to the Corporation to declare a certain piece of land in which there is a collection of shops to be a bazar. That is the reason why the last two lines have been inserted, and I think Mr. Basu's apprehension is not legitimate. If the discretion is left to the Corporation there would be no difficulty, if it is not so left, then there might be a good deal of difficulty, and to obviate that situation this provision has been made.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I must oppose the amendment. This matter was very carefully considered, as has been mentioned by Mr. Ghose, in the Select

Committee, and after a full and elaborate discussion we arrived at this decision. It is practically the existing law, only we have more clearly defined the discretion which is vested in the Corporation. To say that 20 shops would constitute a bazar in any and every case would be to introduce complex regulations of a sanitary kind into petty little places where they would obviously be out of place. I think the best thing we can do is to accept the recommendation of the Select Committee and to reject the amendment. I hope my hon'ble friend will withdraw his amendment after what has been said.

Babu JATINDRA NATH BASU: Sir, may I have your permission to ask a question of the Hon'ble the Minister? Does he mean by "a place of business" a locality, or a number of premises?

The Hon'ble Sir SURENDRA NATH BANERJEA: It is a collection of shops. It is explained in the next line.

Babu JATINDRA NATH BASU: I do not see it.

The amendment was then put and lost.

The following amendment which stood in the name of Rai Fanindralal De Bahadur was, by leave of the Council, withdrawn:—

"That in clause 3(*4*)—

(*1*) in line 3 before the word 'shops' the word 'twenty-five' be inserted;

(*2*) in lines 3, 4 and 5 the words 'which the Corporation may, by resolution, declare to be a bazar' be omitted."

SHAH SYED EMDADUL HAQ moved that in clause 3(*6*), lines 2 to 4, the words "other than a boundary wall not exceeding ten feet in height" be omitted.

He spoke in Bengali. The translation of his speech is as follows:—

In the existing Act there is no hard and fast rule regarding the erection of boundary walls. No one builds any boundary wall on account of luxury, but it is built owing to the *purdah* system. Amongst the Mussulmans the *purdah* is strictly enjoined. This system also obtains amongst the Hindus. It is, therefore, desirable that the law should be framed having due regard to the manners and habits of the people. The Select Committee have suggested that instead of 8 feet the wall should be made 10 feet. If 10 feet is not considered necessary by the ratepayers, to my mind the law should not be amended. Let 8 feet remain as it is. What is the good of burdening the people with additional expenditure which would necessarily have to be incurred if they have to build the boundary walls up to 10 feet in height?

Mr. PRESIDENT: The following four amendments all relate to clause 3(*6*). So I would ask Raja Reshee Case Law to move his amendment Nos. 22 and 24 together.

Raja RESHEE CASE LAW: I move that in clause 3(*6*), lines 3 and 4, the words " not exceeding ten feet in height " be omitted; and that at the end of clause 3(*6*), the following words be inserted, namely:—

" but does not include a *hogla* or other similar kind of temporary shed erected on ceremonial festive occasions."

The object of removing the restriction regarding erection of boundary walls is that such restriction may go to place the owner of any premises in the position of difficulty when his rights are being invaded by the acquisition of easement by a neighbouring owner over his land or when a high boundary wall becomes necessary to secure privacy. Nobody even raises high boundary walls except when compelled to do so by circumstances as stated above. In a town in which partition amongst co-sharers often take place, the necessity for building high boundary walls often arises, and it would not be fair and just to restrict the common law right of a citizen to take necessary steps for the protection of his own privacy and property.

My object for adding the clause at the end of this sub-clause is that in view of the wide definition of the word " building," *hogla* or other kind of temporary sheds erected on ceremonial or festive occasions for use for a short period only may come within it so that under the Act the various restrictions including taking of sanction, etc., became applicable to it. It is obvious that the Act never intends their inclusion and it would not be fair and just to include them as well.

Babu JOGENDRA NATH ROY: I move that at the end of clause 3(*6*), the following be added, namely:—

" but shall not include a temporary shed."

In moving the amendment that stands against my name I think I need not take up much time of this Council. The definition of " Building," as given by the framers of this Bill, is likely to inconvenience the people and prove an engine of oppression in the hands of the servants of the Corporation. Buildings, according to the definition, includes a house, out-house, stable, privy, urinal, shed, hut, wall (more than ten feet high), and other such structure, " whether of masonry, bricks, wood, mud, metal or any other material whatsoever." The net, Sir, has been cast very wide. We are all aware how on ceremonial or other occasions people have often to erect temporary sheds of *hogla* or wood. Often these have to be erected at short notice for a few days. And it would be a great hardship on the taxpayers if these sheds are included in the definition of " Buildings " and regular sanction demanded for their erection.

We all have experience of the delay one has to encounter in getting the sanction of the municipal authorities for the erection of structures. The proverbial red-tape, Sir, is as much in evidence in the Corporation

office as in the Secretariat. And I think, the magic wand of our friend, Babu Surendra Nath Mallik, has not been able to transform the old methods out of recognition. These temporary sheds, as I have said before, have often to be erected at short notice; and if they are recognized as buildings, sanction for their erection may come after the ceremonial occasions for which they are required are over. A temporary shed cannot jeopardize the health of the inhabitants, nor can it inconvenience others. They are often a necessity and cannot be avoided.

Dr. PRAMATHANATH BANERJEA: I beg to move that at the end of clause 3(*6*), the following be added, namely:—

"but does not include any structure erected for temporary purposes."

My amendment is similar to the amendment which has already been moved by Raja Reshee Case Law, but it is somewhat wider in scope. Raja Reshee Case Law would confine the temporary structure only to such as may be erected on ceremonial and festive occasions. I will go a little further. If it is found necessary to construct temporary sheds in order to erect buildings at a later stage and for various other purposes, it is desirable that such structures should be excluded from the definition of the word "building". Such structures very often have to be erected at a very short notice and it is not possible to approach the Corporation for sanction. I therefore beg to move my amendment.

Babu AMULYA DHONE ADDY: I beg to oppose the amendment moved by the Shah Sahib and I strongly support the amendment moved by Dr. Pramathanath Banerjea With regard to the amendment of the Shah Sahib, it appears that he is under a misapprehension. It would appear from the definition that a building includes a wall and the words "other than a boundary wall of 10 feet in height" is rather a restriction to the height of the wall. Under the definition of the existing Act, "wall" is not included, and therefore, at present everyone can erect a wall irrespective of height because it is not regarded as building. But as would appear under the Bill a wall is a building and under the original Bill it was 8 feet, but on the recommendation of the Corporation the Select Committee has made it 10 feet. So it appears that all boundary walls of the height up to 10 feet are excluded from the definition of building, and therefore, no sanction is required for the erection of boundary wall up to 10 feet in height. But as regards the height of a wall which is more than 10 feet—several boundary walls are erected 30 feet or even 40 feet—the discretion is left to the Corporation. So it will appear from Schedule XVI, rule 18, which says that "notwithstanding anything contained in this schedule, a boundary wall may be erected on the boundary of a site to any height which the Corporation may think fit and proper in the special circumstances of the case." Thus, it is quite

at the discretion of the Corporation to fix the height of the boundary wall. It may even sanction 30 feet or 40 feet, if it is found necessary to keep up the *purdah* of a joint family, but it will not sanction the erection of such a wall if it closes the windows and doors and openings of an adjoining building. So even a boundary wall has been included under the definition of the building, but there is a discretion of the Corporation and I hope and trust that the Corporation will not abuse the power entrusted to it. As regards the amendment of Dr. Banerjea, which has been fully explained by our esteemed friend, Raja Reshee Case Law, I fully endorse the view taken by him. It appears from clause 330A, in page 129 of the Bill, that no building shall be erected or used even for a temporary purpose without the approval of the Corporation and otherwise in accordance with any bye-laws made in this behalf under this Act. So, Sir, even in the case of a temporary building the sanction of the Corporation is required, and, as you know, it takes a long time for sanction to a building being secured. It is very costly, and under the Bill, as it is, a licensed building surveyor is to be appointed at a heavy cost and it would be a source of great hardship if a person has to submit plans for the erection of even a temporary shed. We erect temporary sheds for our religious purposes, for our marriage ceremonies, and for the storage of building materials. They may last for a month or two and in the case of a marriage ceremony two or three days only, therefore, Sir, it would be a source of great hardship. If we do not get the sanction, we shall even be dragged before the Municipal Magistrate. I therefore strongly support the last amendment.

Mr. D. J. COHEN: Whatever my hon'ble friend, Babu Amulya Dhone Addy, has said, I think that there is considerable force in what has been said by the Shah Sahib. It would certainly operate hardly on houses occupied by *purdahnashin* people. The rule to which Babu Amulya Dhone Addy draws our attention only provides for walls in case of easement and not in any other case. There are cases in which *purdahnashin* people, find it absolutely necessary to provide for high boundary walls—higher than 10 feet—and I do not think there will be shown many instances where ordinarily the owners built very high boundary walls, which means a lot of money, merely because they are not in terms with their neighbours. So far as the next amendment is concerned, I oppose it because I do not think it is necessary at all. In clause 330A of the present Bill we have provided that no building shall be erected or used for a temporary purpose without the approval of the Corporation. There will be bye-laws made and all these temporary structures will come under those bye-laws, and if you include this in the Bill proper we cannot know what would constitute a temporary structure and for what length of time a building should stand on a particular site to be constituted a temporary structure. For these reasons it would be better not to add these words at all.

Mr. D. C. GHOSE: I rise to oppose the amendments. I venture to differ from my friend, Mr. Cohen, and to say that there is very little force in the remarks made by Shah Syed Emdadul Haq when he moved his amendment. If these words "other than a boundary wall not exceeding 10 feet in height" are omitted, than a man will have to go through all the procedure for getting the sanction of the Corporation for a boundary wall and that will be a source of harassment to the people. At the same time I venture to think that a 10 feet wall is quite good enough to serve as a screen or a *purdah* for *purdahnashin* women. Some limit is, of course, necessary, otherwise a man may put up a wall 20 or 30 feet in height and thereby shut out the air and light of the neighbouring premises. The Select Committee have been careful to make a provision in the Bill to protect easements.

With regard to temporary structures, I do think that sanction is necessary. Temporary structures may cause damage to person and property. When I say this I have in mind the case of the All-India Exhibition which consisted of temporary structures, and there was a fire which caused considerable damage to property. I think, therefore, that in the case of temporary structures also the sanction of the Corporation should be necessary.

Rai Dr. HARIDHAN DUTT Bahadur: I wish to say a few words about these amendments. Raja Reshee Case Law is of opinion that the height of boundary walls should not be restricted. I oppose this, amongst others, on sanitary grounds. If two buildings are allowed to be erected side by side, the only open space between them will be eight feet, that is four feet adjoining each house, and if a boundary wall of 30 or 40 feet is built on either of these four feet spaces, I would ask the mover to consider what the consequences will be. So I think there must be a limit to these boundary walls. Then we have to decide what should be the limit allowed for these boundary walls. I think that a boundary wall of 10 feet in height is quite enough to protect the privacy of ground floor rooms. To protect the privacy of rooms in the upper floors by boundary walls is impossible, and unless some limit is put on the height of boundary walls, they will go to any length. I would therefore ask the Raja Sahib not to press this.

Coming to the question of temporary sheds, I find that my friend, Babu Amulya Dhone Addy, was right in pointing out that clause 330A imposes upon the people the liability of obtaining sanction from the Corporation for erecting temporary sheds. Under the existing rules no such sanction or approval or any sending out of plans is necessary for this purpose. I think it is desirable that we should exclude temporary structures erected on ceremonial occasions, and that is why I support Raja Reshee Case Law's amendment. I feel that unless that is done it will be a source of hardship. In Hindu houses—I do not know of Muhammadan houses—marriages take place on very short notice, and temporary structures have to be erected very quickly. If a man has to get the

sanction of the Corporation in order to put up a temporary *hogla* shed when he is very busy with the arrangements for the marriage, it will be indeed very hard on him. Therefore I think we should accept the Raja's amendment which is quite inoffensive and is in keeping with the present practice. At present the Corporation does not insist upon sanction being taken for such structures and I have not heard of any complaint about this. I wolud therefore request the acting Chairman to consider whether we cannot accept this amendment.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): I desire to say on behalf of Government that we support the position which Dr. Dutt and Mr. Ghose have explained as regards boundary walls, and we must, therefore, oppose these amendments.

As regards temporary structures, we think that some provision for their regulation should be made, but I am not sure that the Raja Sahib has realized that the elaborate rules, which govern the erection and the granting of sanction for ordinary masonry buildings, will obviously not apply to these temporary structures. The Corporation is given power under this Bill to frame special bye-laws for the granting of sanctions and for regulating the erection of temporary structures, such as *hogla* sheds and other buildings of that kind. We think it is desirable that there should be some control, but we leave it to the Corporation to make that control as lenient as they think proper. I would only refer to Mr. Ghose's illustration—the recent fire in the Exhibition—as showing the necessity for the Corporation to have some control over the construction of even temporary buildings. I hope that in view of the fact that such control is necessary and that the Corporation may be as lenient as they like in this matter, these amendments will not be pressed.

Babu NITYA DHON MUKHERJEE: I rise to support Raja Reshee Case Law's amendment. It has been argued by Mr. Ghose that some control by the Corporation is necessary over the erection of temporary structures, inasmuch as there was recently a fire in the Exhibition. But may I know, Sir, whether the sanction of the Corporation would prevent temporary sheds from catching fire? Is there any guarantee that the fire will be afraid to catch temporary sheds if the sanction of the Corporation is taken for their erection? I do not know whether this is the idea.

Then there are occasions when a marriage has got to be performed in three or four days' time. Where is the time to go to the municipality to submit plans and get the sanction for the erection of *hogla* sheds which will only remain for 48 hours or so? For *burwari* purposes *hogla* sheds are necessary, and it will be very hard if plans are to be submitted for them and sanction obtained. It seems to me that it is only love for too much power that has actuated this provision to be made.

Mr. S. W. GOODE: May I point out that submission of plans is not necessary? The Corporation by bye-laws can dispense with plans in these cases.

Babu SURENDRA NATH MALLIK: I will first of all deal with the question of boundary walls. The Bill provides that up to a height of 10 feet no plans are necessary for boundary walls, but I would ask my friends to consider that apart from the point of view put forward by my friend, Rai Dr. Haridhan Dutt Bahadur, of sanitary conditions, there is another consideration also for which the Corporation ought to be able to control the erection of boundary walls, namely, the stability of the wall. You raise a 20 or 30 feet wall for the purpose of shutting up your neighbour; it is built on unsubstantial foundation, and there is every likelihood of its tumbling down and of its being a source of danger to your neighbours. Therefore, there must be some control by the Corporation, otherwise you may endanger other people's lives. Up to 10 feet, if it is a *bona fide* boundary wall, there is no need to obtain sanction from the Corporation, but if you want to go up higher, say, to 20 feet or 30 feet and if you do not do it properly, it is likely to be a source of danger to the locality, and so some control by the Corporation is necessary.

Then as regards temporary structures, I may tell you that so far as these are concerned, we will be guided by rules framed under 26(*a*) of clause 468 on page 193 of the Bill—regulating the erection and use of buildings for a temporary purpose. We recognized the difficulties and so we have taken power to frame rules, and in these rules we may say that no sanction is required, but you must report by writing a letter saying—"Sir, Please take notice that I am going to erect a temporary shed, etc., etc." There is another thing. Sometimes, I regret to say, structures are constructed as temporary, but they are kept on, and if they continue to remain for a long time, it becomes very difficult afterwards to get them demolished. But if we get information of their erection, we could keep a record in our books so that we can see that they are removed after the temporary purpose for which they are alleged to have been constructed is served. Otherwise, you put your cows there or make them a part of your kitchen and thus make them a permanent addition to your building. Therefore, some control is necessary. It is entirely left to the discretion of 80 elected persons to frame these rules in a way which may not hurt the interests of the rate-payers in any way in connection with the erection of these temporary structures.

To sum up, I would say that firstly, with regard to boundary walls, it would be a source of danger to the other people if a restriction is not put on the height of such walls, and secondly, in respect of temporary structures, there need not be any apprehension as the rules to be framed by the Corporation will meet the case.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to support the amendment about the erection of temporary structures. The acting Chairman of the Corporation has said this amendment has his sympathy, but he considers that as the municipality has got the power to make regulations, the regulations will be so made that simply a notice to the effect that on such and such occasion a temporary——

Babu SURENDRA NATH MALLIK: I have only suggested that.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Exactly for that reason I say that if we are convinced that that would be done, there will be no force in the Raja Sahib's amendment, but how can we be sure that that shall be done? Let some assurance be given to that effect, and I believe the Raja Sahib will withdraw his amendment, but as long as that is not done, he cannot withdraw it.

Kumar SHIB SHEKHARESWAR RAY: As a member representing here the mufassal zamindars I am interested in this amendment. In many cases the marriages of zamindars in the interior take place in Calcutta and we have to build temporary structures at a very short notice, and if, in addition to that, in order to erect temporary *hogla* sheds we have to dance attendance at the municipal office, it will add greatly to our troubles. I would therefore suggest that this most innocent amendment should be accepted.

Babu SURENDRA NATH MALLIK: May I ask one question of the Raja Sahib? In his long experience has there been one single instance in which the Corporation objected to the putting up of temporary sheds for ceremonial purposes?

As regards the assurance, if that is moved by the Raja Sahib at the next meeting of the Corporation, I am sure his request will meet with ready acceptance.

Shah Syed Emdadul Haq's amendment that in clause 3(*6*), lines 2 to 4, the words "other than a boundary wall not exceeding 10 feet in height" be omitted was then put and lost.

Raja Reshee Case Law's amendment that in clause 3(*6*), lines 3 and 4, the words "not exceeding 10 feet in height" be omitted was then put and lost.

Babu Jogendra Nath Ray's amendment that at the end of clause 3(*6*), the following be added, namely, "but shall not include a temporary shed," was then put and lost.

Raja Reshee Case Law's amendment that at the end of clause 3(*6*), the following words be inserted, namely, "but does not include a *hogla* or other similar kind of temporary shed erected on ceremonial festive

occasions, was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Alay, Mr. S. Mahboob.
Ali, Mr. Syed Ertan.
Ali, Mr. Syed Nasim.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Maulvi Shah Muhammad.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Das, Babu Bhishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Fanindralal.
Dutt, Mr Ajay Chunder.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Farequi, Mr. K. G. M.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Maulvi A. K. Fazl-ul.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Law, Raja Reshee Case.
Makramali, Munshi.
Moitra, Dr. Jatindra Nath.
Mukherjee, Babu Nitya Dhone.
Mukhopadhaya, Babu Sarat Chandra.
Mullick, Babu Nirode Behary.
Nasker, Babu Hem Chandra.
Raul, Maulvi Shah Abdur.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekharswar.
Ray, Rai Bahadur Upendra Lal.
Ray Chaudhuri, Mr. Krishna Chandra.
Rishi, Babu Rasik Chandra.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprasad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES.

Ali, Munshi Amir.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinash Chandra
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Deare, Major-General S. H.
DeLisle, Mr. J. A.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Emerson, Mr. T.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Miller, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Roy, Mr. C. N.
Roy, Mr. J. N.
Sen, Babu Mani Lal.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 52 and the Noes 31, the motion was carried.

Dr. Pramathanath Banerjea's amendment was not put as it was held to be covered by the decision arrived at by the Council on the above motion.

Raja RESHEE CASE LAW: I move that clause 3(7) be omitted.

In a town like Calcutta where the value of land is so very high and the number of owners of small holding is more than 95 per cent., the introduction of a building line would be a source of very great hardship to them. Both the Improvement Trust and the Calcutta Corporation appear to be of opinion that these are not suited to the style of

houses built in Calcutta. The object of having a building line is that the main building of a house must be set back in its own ground from the edge of the public street. If the owner of a small holding has therefore to leave a back space of 10 feet or more and the side spaces of four feet he may have to sacrifice about half of his land as open land and may even find building impossible. I think the street alignment with the provisions regulating the height of buildings to be erected on the streets is sufficient for the purpose of securing light and ventilation.

Babu HEM CHANDRA NASKER: In sub-clause (7), under clause 3, the words "Building Line" have been defined. According to the definition given there, it appears that, if any portion of land is left vacant in front of a house, it will be a portion of the street. The words "street alignment" have been defined in the Bill also, in sub-clause (*65*), under clause 3. So if the sub-clause (7) be retained, it will be in conflict with the definition of "street alignment." So I support that the sub-clause (7) be omitted.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to oppose this amendment. It may not be quite clear to some of my friends why the Municipal Bill provides for a building line. I wish to point out to them that one of the purposes for a building line is to secure the widening of streets hereafter when that will be found necessary in a congested and crowded area. Calcutta, as it is, is very crowded in many parts and at the same time there are portions in Calcutta where the population is very small. In such places it is desirable, with a view to the improvement of the city, that a building line should be laid down. If a building line be not laid down and the streets there have to be widened many of the buildings will have to be destroyed involving a great expenditure. With this view a building line has been provided in the Bill. The Raja Sahib wants that this should be altogether omitted. If the amendment is carried, it will be very difficult to widen streets hereafter, and I, for myself, am opposed to it.

Babu AMULYA DHONE ADDY: I have much pleasure in supporting the amendment of Raja Reshee Case Law. I am sorry my friend, Rai Dr. Haridhan Dutt Bahadur, has made a confusion between a building line and street alignment. I have not the slightest objection to the prescription of street alignment for the widening of existing streets in course of time. In the case of street alignment, no building is allowed to be erected, and in course of time the Corporation can acquire lands for the widening of the street on payment of compensation. A building line is quite different from a street alignment. It is a line for the erection of buildings, not for the widening of streets, and the owner of a building is bound to set back on the building line and he is not

entitled to get any compensation whatsoever. In the cases of Hindu or Muhammadan families observing *purdah*, they would prefer to keep open space at the back or a courtyard and not in front of the building. Therefore, if you insist on the building line, the result would be that it will depreciate the market-value of the land and cause undue harassment to the owners of buildings. This is the view taken by the British Indian Association and some other public bodies, like the Marwari Association, and I am strongly of opinion that it is quite unnecessary to prescribe the building line, but I have not the slightest objection if street alignments are laid down so that the roads might be widened in course of time. I will draw your attention to the substantive law in connection with these building lines, viz., clause 304, sub-clause (*3*). Under this sub-clause, no person shall erect or add to any building between a street alignment and the building line without first obtaining the permission of the Corporation to do so. I admit that there is a provision under which the Corporation may grant permission, but they may require the applicant to execute an agreement in accordance with the provision in sub-section 1. So, it appears that it is quite unnecessary to perscribe building lines and that it will suffice if simply street alignments are prescribed.

Mr. S. W. COODE: I oppose this amendment.

The Hon'ble Sir SURENDRA NATH BANERJEA: I want to point out that in the existing law, there is such a provision and it is just as well to keep it there. It is a part of law of the United Kingdom.

Babu SURENDRA NATH MALLIK: I venture to point out one thing. In section 303 we find that "if the Corporation consider it expedient to prescribe for any public street a building line or a street alignment, or both a building line and a street alignment, they shall give public notice of their intention to do so; provided that no building line shall ordinarily be prescribed for any street laid out and made before the commencement of this Act." This is only for future roadways and the idea is to make a 40-foot road possible. Possibly, the traffic will not require there. You use only 20 feet and you prescribe a building line so that you may expand in future. While expanding, we only pay for the land which we acquire and it will be cheaper as there will be no building on it. Otherwise, it would lead to considerable cost when the land is acquired. This is the object of the clause.

Mr. D. C. GHOSE: Experience has shown that during the years in which the present Act has been in force, no harm has resulted from a provision of this kind which is in the present Act. In practice, the Corporation has never prescribed building lines.

Dr. PRAMATHANATH BANERJEA: It seems that the object of providing a building line is to make future provision for street widening. But the provision which at present exists regarding street alignments seems to suffice for this purpose and I think that it would be a great hardship to owners of buildings if this new provision is introduced. Therefore, I support the amendment of Raja Reshee Case Law.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I am afraid that I cannot agree with Raja Reshee Case Law. This building line is only necessary in narrow lanes with which Calcutta abounds. In the case of wide roads this provision will never apply. It is only in the case of dark lanes that widening is necessary and a building line ought to be prescribed there. I have no sympathy with this amendment.

The amendment was put and declared lost.

Raja Reshee Case Law asked for a division.

Mr. PRESIDENT: This cannot be allowed now as nobody rose from his seat. It is absolutely necessary that if an hon'ble member wishes to claim a division he must rise in his place.

Raja RESHEE CASE LAW: I regret that I did not rise in my place.

Mr. PRESIDENT: I am glad to make an exception in the Raja Sahib's case.

A division was then taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Yakubuddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Munshi Amir.
Arhamuddin, Maulvi Khandakar.
Axam, Khan Bahadur Khwaja Mohamed.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Cohen, Mr. D. J.
Das, Babu Shishmadev.
Dutta, Babu Indu Bhushan.
Haq, Maulvi A. K. Fazl-ul.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Law, Raja Reshea Case.
Makramall, Munshi.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Salam, Khan Bahadur Abdus.
Sarkar, Babu Rishindra Nath.

NOES.

Ali, Mr. Syed Nasim.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinash Chandra.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Faniindralal.
Deare, Major-General B. H.
DeLisle, Mr. J. A.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Hariskan.
Emerson, Mr. T.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.

Goode, Mr. S. W.
Harnett, Mr. W. W.
Huntingford, Mr. G. T.
Hug, Maulvi Ekramul.
Khan, Maulvi Md. Rafique Uddin.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Malik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. H. C.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhone.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Rauf, Maulvi Shah Abdur.
Ray, Rai Bahadur Upendra Lal.
Ray, Mr. Bijoyprasad Singh.
Ray, Mr. C. N.
Roy, Mr. J. N.
Roy, Raja Manilal Singh.
Sen, Babu Mani Lal.
Sinha, Babu Surendra Narayan.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.

The Ayes being 26 and the Noes 45, the motion was lost.

Mr. PRESIDENT: I now take up amendments Nos. 28, 29 and 30 together.

Babu JATINDRA NATH BASU: I move that in clause 3(*8*), line 6, for the word " dwelling-house " the words " domestic building " be substituted.

This concerns the definition of a building of the warehouse class. A building of the warehouse class is defined in the Bill as a building intended to be used as a warehouse, factory, manufactory, brewery, or distillery, or for any similar purpose. Then exceptions are stated. A dwelling-house or a public building, as defined in this Bill, is included in the above definition. In this Bill, buildings are only divided into three classes, buildings of the warehouse class, domestic buildings, and public buildings. The expression " domestic building " includes a dwelling-house. I therefore propose that as the expression " domestic building " is a wider expression than a " dwelling-house," the former be substituted for the latter.

Mr. D. J. COHEN: I support this because it will bring it into line with the definition of the words " domestic building." The expression " domestic building " includes a dwelling-house and any other masonry building which is neither a building of the warehouse class nor a factory, etc.

SHAH SYED EMDADUL HAQ spoke in Bengali in support of the amendment of Babu Jatindra Nath Basu and withdrew the following amendment standing in his name:—

" That in clause 3(*8*), line 6, the words ' domestic house ' be substituted for the word ' dwelling-house.' "

The Hon'ble Sir SURENDRA NATH BANERJEA: I accept the amendment of Babu Jatindra Nath Basu.

The motion was put and agreed to.

Mr. S. W. GOODE: With your permission, I move that in the first line of clause 3(*10*) after the word "Calcutta," the following words be inserted, viz., "includes the area added to Calcutta and." It is a purely formal amendment.

Mr. PRESIDENT: Will item No. 31 be postponed?

Mr. S. W. GOODE: Yes.

The motion was put and agreed to.

Babu AMULYA DHONE ADDY: I beg to move that in clause 3 sub-clause (*12*), line 5, the words "a bicycle" be omitted. It will appear from the definition that "carriage" includes a bicycle and that it will further appear that under Schedule VII of the Bill a license-fee of Rs. 2 is payable for each half-year for a bicycle. I beg to submit that there was a time when a bicycle was nothing but a luxury, but times have materially changed. It is only the poor clerks and even labourers who use bicycles nowadays, and therefore, it would be a source of hardship if they are now forced to take a license for the use of a bicycle and pay a license-fee for the same. The opinion of the Licensing officer of the Calcutta Corporation is that it is very difficult to collect these taxes from these persons. Under the circumstances, I do not think that it is advisable to tax the persons who use bicycles. Tax the rich by all means and there is no objection, but do not tax the poor at large.

Babu HEM CHANDRA NASKER: I move that in clause 3(*12*), lines 5 and 6, for the words "a bicycle and a tricycle but does not include" the following be substituted, namely,—

"but does not include a bicycle and a tricycle or."

The bicycle and tricycle were a luxury in old days. Now they are considered amongst the necessities. Clerks getting small salary and residing at a distant place from their offices, require the use of bicycles, as their financial conditions do not permit them to travel in hackney carriages or tramcars. It has become a thing of every-day necessity in Calcutta. The tricycle is going to be obsolete nowadays. It is generally used by infants. So I appeal to the House to accept the amendment.

Mr. D. C. GHOSE: I rise to support the amendment of Babu Amulya Dhone Addy. I agree with him that the tax on bicycles will be a great hardship on the poor. Besides, bicycles do not damage our roads and they are not a nuisance, whereas motor cycles which are a nuisance escape taxation. We have got the power now to impose a tax on bicycles, but we have never imposed it, because we thought it would be a hardship. I hope, therefore, the House will support the amendment of Babu Amulya Dhone Addy.

Mr. D. J. COHEN: I am sorry I have to oppose this amendment. The bicycle is as much a necessity to a clerk as a motor car is to a business man. We make a difference in the rates; we charge for a motor car much more than what we do for a bicycle. It is true the bicycle is a necessity, but if we were to confine ourselves to licensing luxuries, in that case we have got to scrap half the taxes under the schedule. There are many things which are necessaries of life, but they have to be taxed because we need money.

Rai Dr. HARIDHAN DUTT Bahadur: I have great sympathy with the amendments now under consideration, but there is one difficulty. If we exempt all bicycles and tricycles along with the ordinary ones, then what should be done in the case of motor cycles and motor vehicles? Motor cycles certainly damage our roads and they ought to be taxed. The Corporation all along accepted the policy that they need not impose any taxation on ordinary bicycles and tricycles. I am one of those who think that the Corporation was wise in that and ordinary bicycles and tricycles need not be taxed, but if any solution could be obtained by which while exempting ordinary bicycles and tricycles you could impose taxes on motor cycles and other motor vehicles of similar kind, then I, for myself, would support the amendment of Babu Amulya Dhone Addy.

Babu SURENDRA NATH MALLIK: I am in entire sympathy with this amendment. As a matter of fact we have the power to assess bicycles but we do not do it primarily for the reason they are poor men's friends and also for the reason that it is difficult to assess them or to find out who are the persons who have got bicycles. These bicycles can be kept inside a room or underneath a staircase. It is more troublesome to our officers to assess than the good that will come of it. I agree with my friend Rai Dr. Haridhan Dutt Bahadur, that a bicycle is not a thing which damages our roads, but a motor cycle is terrible, and we ought to tax it. I may draw his attention, and the attention of the House, to page 258 where it will be seen that ordinary bicycles and tricycles come under clause 6. The idea is to take them out of the list of things which are to be taxed, but the class of bicycles contemplated by my friend Rai Dr. Haridhan Dutt Bahadur comes under clause 5 which says that on every bicycle, tricycle, sidecar or similar vehicle propelled by mechanical power not included in clauses 1, 2, 3, or 4, there should be a tax of Rs. 10. So, as far as ordinary bicycles are concerned, they are quite safe. I have therefore great pleasure in supporting the amendment.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government, I desire to accept the amendment. I think that it would be a real hardship upon a very large class of poor people if we tax bicycles. So, I have great pleasure in accepting the amendment.

Babu AMULYA DHONE ADDY: I thank the Hon'ble the Minister in charge.

Mr. PRESIDENT: My difficulty is that amendment No. 34 is wider than the amendment No. 32. I shall be obliged to put 34 first. I do not know whether Babu Hem Chandra Nasker wishes to press the amendment or whether he wants to withdraw it.

Babu HEM CHANDRA NASKER: I press for my amendment.

The motion was then put and agreed to.

The amendment of Babu Amulya Dhone Addy was not put as it was held to be covered by the decision on the amendment of Babu Hem Chandra Nasker.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to move—it is merely a formal matter—that in clause 3(*13*), line 1, for the word "hackney" the word "hackery" be substituted. It is merely a printing error which we are correcting. I am sure the House will agree.

The motion was put and agreed to.

Dr. PRAMATHANATH BANERJEA: I move that in line 4 of clause 3(*13*) the words "and includes a wheel-barrow" be omitted.

These words have been added as an afterthought. What is a wheel-barrow? A wheel-barrow is a very small vehicle used for conveying goods from place to place. This is a method alternative to that of carrying loads on men's shoulders. The prevailing method is for coolies to carry loads on their shoulders. This, as we all know, is a primitive method. It is a most unscientific and troublesome mode of carrying goods. Who amongst us has not seen coolies bent double under the weight of their burden? Wheel-barrows, on the other hand, are a far more convenient method. We should have some pity on these poor coolies and should encourage the greater use of wheel-barrows. In the name of humanity, therefore, I would appeal to you to accept this amendment.

Babu AMULYA DHONE ADDY: I beg to support this amendment. The mover of this amendment has rightly stated that there was no such provision in the original Bill and that there is no such thing in the existing Act, and you would be astonished to hear that there is no such provision in Schedule VII of this Bill. It is only in the definition that we find the word "wheel-barrow." Only the labourers will be taxed if a wheel-barrow is included in the definition of a cart. It will appear from Chapter XV that a carter should take a license for the use of a cart and have it registered and he has to put on the registration ticket. If he does not do so, he is liable to criminal prosecution. May I ask whether it will be right and just that a poor cooly using a wheel-barrow should be dragged before the Municipal Magistrate for having

failed to take out a license? I do not find any such provision in the Bombay Municipal Act, nor do I find it in the Madras Act. I am really sorry that the Select Committee has thought fit to include it in the definition of "cart." With these remarks I beg to second the motion.

Mr. PRESIDENT: Raja Sahib, would you move your amendment?

Raja RESHEE CASE LAW: I move that in clause 3 (*13*), line 4, after the word "wheel-barrow" the words "more than five feet in length" be inserted.

My object in introducing this amendment is to exclude from taxation the small wheel-barrows which are used in gardens or to carry small loads by one man. For obvious reasons these should not be taxed.

Mr. S. W. COODE: With your permission, I would like to suggest that in place of the word "wheel-barrow" the word "hand-cart" be inserted. I hope that this will possibly meet the wishes of the movers of these amendments.

Mr. PRESIDENT: Is Dr. Banerjea prepared to accept the amendment suggested by Mr. Goode?

Mr. J. CAMPBELL FORRESTER: Sir, should we not have the word "hand-cart" defined before we vote one way or the other?

Mr. PRESIDENT: That has nothing to do with me.

Dr. PRAMATHANATH BANERJEA: I did not exactly hear what Mr. Goode said.

Mr. S. W. Goode: The view of Government is that it does not wish to tax what we ordinarily mean by "wheel-barrow," but we think that a "hand-cart" which is used for instance, in Calcutta for carrying soda-water bottles should be taxed.

Mr. PRESIDENT: The thing is perfectly plain. The words "and includes a hand-cart" will be substituted for the words "and includes a wheel-barrow," that is wheel-barrows will escape taxation, while hand-carts will be taxed.

Dr. PRAMATHANATH BANERJEA: I am afraid that I do not gain much by it.

Mr. PRESIDENT: Dr. Banerjea, I am afraid you cannot make a speech.

Kumar SHIB SHEKHARESWAR RAY: A new amendment having been proposed by Government, I submit that Dr. Banerjea is entitled to make a speech.

Mr. PRESIDENT: I think that before any discussion takes place, I have first to discover whether the mover of the original amendme accepts the suggestion of Government, and that is what I am trying discover. I have had great difficulty in getting it out from Dr. Banerj one way or the other. I again ask him whether he accepts the sugge tion of Government.

Dr. PRAMATHANATH BANERJEA: I am unable to accept t the proposed alteration.

Mr. PRESIDENT: Very well.

The motion that in line 4 of clause 3(*13*), the words "and includ a wheel-barrow" be omitted, was put and division taken with the follo ing result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Yakuinuddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Bhattacharji, Babu Nam Chandra.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Das, Babu Shishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
Datt, Mr. Ajoy Chunder.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Faroqui, Mr. K. C. M.
Haq, Maulvi A. K. Fazl-ul.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Makramali, Munshi.
Mettra, Dr. Jatindra Nath.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Nam Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Roy, Mr. Bijoyprosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES.

Alcy, Mr. S. Mahboob.
Azam, Khan Bahadur Khwaja Mahamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Basu, Babu Jatindra Nath.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Cohen, Mr. D. J.
De, Rai Bahadur Panchuralal.
Deare, Major-General S. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. R. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Lang, Mr. J.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. H. C.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Hitya Dhon.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Rai Bahadur Upendra Lal.
Roy, Mr. G. N.
Roy, Mr. J. N.
Sarkar, Babu Jogesh Chandra.
Sen, Babu Mani Lal.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 34 and the Noes 42, the motion was lost.

The following motion was then put and agreed to:—

"That in line 4 of clause 3(*13*) the word 'hand-cart' be substituted for the word 'wheel-barrow.'"

The amendment standing in the name of Raja Reshee Case Law being consequential to the amendment of Dr. Pramathanath Banerjea was not put as it was held to be covered by the decision arrived at by the Council.

Raja RESHEE CASE LAW: I move that in clause 3 (*20*), line 1, for the word "any" the word "the" be substituted; and that in clause 3(*20*), line 2, after the words "cowkeeper" the words "who trades in milk" be inserted.

My object in introducing the first amendment is to exclude from the definition a third person casually coming to the dairy which the Act certainly does not intend to include. The subject of the second amendment is to exclude from the definition a person who keeps cows for his own supply of milk and not for trade purposes whom I presume the Act never intended to include.

Mr. S. W. GOODE: As regards the first amendment we are advised that from the drafting point of view, the Raja Sahib's correction is unnecessary. I therefore hope that he will withdraw this amendment.

As regards the second amendment, Government is prepared to accept it.

Babu AMULYA DHONE ADDY: I move that in clause 3(*20*), line 2 and 3, for the words "any seller of milk whether wholesale or by retail" the words "any wholesale dealer of milk" be substituted.

It will appear from the definition that a "dairyman" includes any seller of milk whether wholesale or retail. My suggestion is that "dairyman" should include the wholesale seller of milk but not the retail seller. My special reasons for this modification of the definition are as follows:—Stringent regulations have been prescribed in connection with the milk-supply. Under clause 420 a dairyman should take out a license for the sale of milk, and under clause 421 he has to comply with certain requisitions of the Corporation. I admit, Sir, that this is absolutely necessary in the case of dairies, and, in the case of a wholesale seller of milk they should be enforced, but I beg to submit that it should not be enforced in the case of a poor dealer who sells milk by retail. I know of many poor widows who earn their livelihood by the sale of pure milk by retail in the morning, and if this provision is enforced upon the retail sellers, it will be a source of great hardship on them, and they will be under the painful necessity of giving up their profession which is their only means of subsistence.

Mr. D. C. GHOSE: I oppose the amendment of Babu Amulya Dhone Addy. I fail altogether to appreciate why the Corporation should not have any control over the retail sellers of milk. If the wholesale seller of milk has to take out a license, why should not the retail seller also have to do so?

DIRECTOR of PUBLIC HEALTH (Dr. C. A. Bentley): I wish to call your attention to the fact that it is absolutely essential, if the public are to be protected from the dangers arising out of the sale of impure milk, that all sellers of milk—whether wholesale or retail—should be provided for in this Bill. I may also call your attention to the fact that it sometimes happens—I have known of several cases—that when the milk has been vended, the pice—the dirty pice—taken from the customer who buys a small quantity, has actually been placed in the milk vessel. Some vendors make use of the pail in which they carry their milk as the purse for their money. This is a sort of thing which shows how essential it is that the general public should be safeguarded against the retail as well as the wholesale seller of milk.

The following amendment standing in the name of Raja Reshee Case Law was then, by leave of the Council, withdrawn:—

"That in clause 3(*20*), line 1, for the word 'any' the word 'the' be substituted."

The following motion standing in the name of Raja Reshee Case Law was then put and agreed to:—

"That in clause 3(*20*), line 2, after the word 'cow-keeper' the words 'who trades in milk' be inserted."

The following motion standing in the name of Babu Amulya Dhone Addy was then, by leave of the Council, withdrawn:—

"That in clause 3(*20*), lines 2 and 3, for the words 'any seller of milk whether wholesale or by retail' the word 'any wholesale dealer of milk' be substituted."

The following motion standing in the name of Shah Syed Emdadul Haq was, by leave of the Council, withdrawn:—

"That in clause 3(*23*), lines 5 and 6, the words 'nor a place exclusively used for private worship' be omitted."

Mr. S. W. COODE: With your permission, Sir, I would like to ask the House to rectify an error which has unfortunately been made in the drafting. Just now the House exempted bicycles and tricycles from taxation, but they did not, I take it, intend to exempt motor bicycles and motor tricycles. Unfortunately, the amendment was hurriedly accepted, and, with your permission I would propose to make the following insertion in the clause as now drafted. I would move that "after the word 'tricycle' in clause 3, sub-section *12*, as it now stands, the words 'other than a motor bicycle or tricycle' be inserted."

Mr. PRESIDENT: I am afraid you cannot do that, because all the words have been omitted.

Mr. S. W. COODE: I understand the word "bicycle" has been omitted.

Mr. PRESIDENT: I will not permit this as a general rule, but on the present occasion as the House does not want to exclude a motor bicycle or tricycle from taxation, I allow this to be done as a special case.

The following amendment was then, put and agreed to:—

"That after the word 'tricycle' in clause 3(*12*), the words 'other than a motor bicycle or motor tricycle, or' be inserted."

Raja RESHEE CASE LAW: I move that in clause 3(*50*), line 3, the word "ordinarily" be omitted.

My object is to make the definition more wide so that the stringent provisions regarding adulteration may be applicable to all classes of articles which are used in the composition or preparation of human food.

Mr. S. W. COODE: When we adopted this well-known drafting the view of Government was that there might be articles which are very occasionally used in the composition and preparation of food, which should not come under this definition. It is a recognized definition which is already used in the Food Adulteration Act, and, on the whole, it is advisable to retain the word.

Mr. PRESIDENT: Raja Sahib, do you press your amendment?

Raja RESHEE CASE LAW: I beg leave of the Council to withdraw my amendment.

The motion was then, by leave of the Council, withdrawn.

Rai FANINDRALAL DE Bahadur: I move that at the end of clause 3(*35*), the following be added, namely,—"steel, iron or other metal."

In the sub-clause *38*, the definition of a masonry building excludes huts and includes any structure, a substantial portion of which is made of masonry, steel, iron and other metal. To be consistent, therefore, the words "steel, iron or other metal" should be added after the word "masonry" in the definition of huts. Evidently it is not intended to treat, for example, an all-metal house as a hut and so I move this amendment.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to say that, on behalf of Government, I accept this amendment.

The motion was then put and agreed to.

[At this stage Mr. Deputy-President took the Chair.]

The following item standing in the name of Mr. D. J. Cohen being consequential to amendment of Rai Fanindralal De Bahadur was not put as it was held to be covered by the decision arrived at by the Council:—

"That at the end of clause 3(*35*) the following be added, namely,—'steel, iron or other metal whatsoever.''

The following motion standing in the name of Shah Syed Emdadul Haq was, by leave of the Council, withdrawn:—

"That in clause 3(*43*) (*b*), line 3, for the word 'one-half' the word 'two-thirds' be substituted."

Dr. PRAMATHANATH BANERJEA: I move that in the Explanation to clause 3(*43*)—

(*1*) in line 1, for the word "whether" the word "when" be substituted, and

(*2*) in lines 3 and 4 the words "or at different times" be omitted.

This Explanation as it stands includes within the definition of a "new building" any structure which has been rebuilt several times after having been either demolished, or having collapsed, or having been burnt down. Sir, it would be very wrong to regard a building as entirely new, portions of which have collapsed or been burnt down or demolished at different times. Suppose a portion of a particular building is demolished this year. Five years hence another portion is burnt down. Ten years afterwards he entire portion is demolished. Should those portions, which have been rebuilt, make a new building?

I think this would frustrate the intention of the legislature. I, therefore, ask you to make it quite clear that unless at least one-half of the cubical content of a building is demolished or has collapsed, or is burnt down at the same time, it should not be regarded as a new building when it is rebuilt.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to oppose the amendment of my friend, Dr. Banerjea. He is perhaps not familiar with cases where attempts have been made to build practically a new building by demolishing a wall this year and another wall next year and then by coming forward after another five years with a second application before the Calcutta Corporation for the construction of another room. In Burrabazar particularly the idea of the Corporation is to do away with the existing overcrowding and to secure the building of new sanitary dwelling houses. But the occupiers and owners of most of these houses—costly as the houses are—have been trying to frustrate the object of the Corporation by putting in applications in the way I have described. The result is that building operation is commenced this year, but for five years nothing is done to that building, and while

everybody is supposed to have forgotten what took place five years ago, another application comes in. I am perfectly certain that my friend, Dr. Banerjea, with whose views I am quite familiar, will not support any attempts like that. If we have to defeat the people who dishonestly try to frustrate the object of the Corporation to improve the Burrabazar section of the town in this way, I am sure my friend will be the last person to lend any countenance or support to such a proposal.

Babu SURENDRA NATH MALLIK: I am sure my friend, Dr. Banerjea, not being in touch with the working of the building regulations of the Corporation, has moved this amendment: otherwise he would not have done so, as the acceptance of my friend's motion will lead to the perpetuation of the most undesirable practice which we have been trying in the Corporation for years to put a stop to. This is a definition which has an important bearing on the building regulations, and my friend will also remember that this is an explanation which was in the old Act. It has worked very well and the whole matter has been very thoroughly considered in five committees, in the Corporation itself and then in the Select Committee. All that the Select Committee has done is that they have added the words "from the ground upwards." It seems quite enough and no further alteration can be permitted. The amendment, if accepted, will practically give a good deal of power to those who want to take an unfair advantage and will set at naught a very considerable portion of the buildings regulations. I therefore oppose this amendment.

The Hon'ble Sir SURENDRA NATH BANERJEA: I associate myself with the remarks of my friend to my left. If this amendment were accepted, the effect would be to open the flood-gates to all sorts of malpractices which it should be the duty of the Corporation and also of this Council, so far as it is possible, to frustrate. Then, the fact is that this is the existing law and it has worked well and there has been no complaint. We have simply reproduced the provisions of the existing law in the Bill. I am sure, therefore, that after the explanation that we have given, my friend will see his way to withdraw the amendment.

The motion was then put and lost.

Raja RESHEE CASE LAW: I move, that in clause 3(45), line 3, after the word "rent" in the two places where it occurs, the words "or damages" be inserted.

The object is to include within the definition an occupier of premises when he is occupying the premises not as a tenant but as a trespasser. Certainly in such cases the claims of the Corporation against the occupier should be enforced against the actual man in possession.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I accept the amendment, but as the matter requires looking

into from a drafting point of view, I hope, Sir, you will allow the question to stand over.

Mr. DEPUTY-PRESIDENT: The matter is kept in abeyance for the present.

The further consideration of this motion was postponed.

Mr. S. M. BOSE: I move that in clause 3(*45*), line 5, after the words "is used" the following be inserted, namely:—

"and also any person in actual possession or in beneficial occupation of such land or building."

I beg also to move that in clause 3(*45*), line 7, the words "and also a rent-free tenant" be omitted.

The object of the amendment is to remove an obvious omission in the definition of the term "occupier." It is very difficult to define "occupier" in legal terms and it is not surprising that in England there is no statutory definition of the word as used in connection with the law of rating though there have been many decisions to explain the meaning of the term. I need not here dilate at length on the legal aspect of the matter. Suffice it to say that occupation may be in a person who neither pays rent nor is liable to pay rent, e.g., a person who without any title, takes actual possession of a house, whether by leave of the owner or against his will, is the occupier of it. Take another case—suppose A, in virtue of a statute or license from the Crown, erects a structure on B's land without any permission from B; A would not be an occupier as the law now stands. This is an anomaly which I seek to remove.

[At this stage the Hon'ble the President returned to the Chamber and took the Chair.]

So there must be actual possession though not necessarily legal possession.

There is something more than this. The fact that A, the alleged occupier, is not physically upon the property (either in person or by work done upon the property) is not the only test. It may be that A chooses to keep nobody on the land—that he wants to keep it vacant and unoccupied for his own beneficial enjoyment. He should be rated as occupier. Thus my object is to provide that the term "occupier" should include (*1*) a person in actual physical possession of the land, etc., and (*2*) a person enjoying a benefit out of the land.

I may say, in passing, that my amendment is wider than the one just moved by Raja Reshee Case Law. Where A wrongly occupies B's land, then, under my definition, A is an occupier though he may have no liability to pay rent; it may be that he has to pay damages. My amendment, therefore, is wider than the amendment of Raja Reshee Case Law and it also covers the other cases where A, in virtue of a statute or license from the Crown, goes upon B's land and without his consent

erects a structure upon that land. I submit, therefore, that A in this case should be rated as an occupier.

Mr. D. J. COHEN: I beg to move that at the end of clause 3(45), the following be added, namely,—

"but does not include a caretaker or any servant in charge of the premises"

It was never intended that these people should be treated as occupiers, and my only intention is to make this point clear.

Mr. D. C. GHOSE: I oppose the amendment moved by Mr. Bose; if this is accepted, the definition will be too wide and might include a servant in charge of the premises.

Mr. S. W. GOODE: It is understood that the real object of Mr. Bose's amendment is to render the public utility companies liable to the payment of rates if the Corporation subsequently desire to tax them. Government at this stage do not wish to express any opinion on the fairness or expediency of assessing these companies to rates, but they do think that it is unwise to attempt to provide for such taxation by a side issue like this. It was understood at a recent Conference which was held between certain members of the Corporation, the Select Committee and the representatives of the companies, that no hurried action would be taken in connection with the assessment to rates of these utility companies. It was suggested that if Government and the Corporation subsequently decided to take steps to bring these companies within the Act, it might be desirable to have a separate Bill for the purpose, and Government feel that it would hardly be playing the game or fair to these companies, if we attempted by this clause suddenly to render them liable without giving them any real opportunity for stating their objections to this proposal; and therefore, on this ground, we feel that we are unable to accept the proposal of Mr. Bose.

Mr. PRESIDENT: That is with regard to Mr. Bose's amendment. With regard to Mr. Cohen's amendment, what position do you take up?

Mr. S. W. GOODE: As regards Mr. Cohen's amendment it is a well-recognized principle of occupancy that if a house is left swept and garnished and ready for occupation, it is ordinarily liable to rates. It is only when it has been definitely closed and the owner has gone away and served a notice of vacancy, that he is entitled to remission. The Corporation have certain definite rules which are intended to assist the Assessment Department in deciding what constitutes vacancy. From that point of view, we think, it would be unwise to attempt to limit the discretion of the Corporation in this way, since cases may arise in which the occupation of a house by a caretaker, who keeps the house ready for immediate occupation, by his master, should constitute occupation under this Act.

Babu SURENDRA NATH MALLIK: I must say that I have a great mind to support Mr. Bose's amendment for the simple reason that it brings, or is expected to bring, more revenue to the Corporation legitimately. We have under the present law, as it appears, the right to assess for the occupation of our lands, roads and all that. Under an erroneous impression that was never done, but we must do this, we cannot forego it, and this definition will help us in that purpose by putting the words particularly "in beneficial occupation of such land or building." I know that with some of these utility companies we have a sort of agreement or contract, but that is a different matter. At the Conference it was understood that we would take steps by moving the Government of India, if necessary, for a supplementary Act for this purpose, and therefore, I have some hesitation in thinking whether we should put it like this in this new Act, or whether we should go to the Government of India on this question. I suppose the Hon'ble the Minister might have given some assurance to that effect, but that a matter like this should be included, cannot be questioned, and to that extent Mr. Bose's amendment is perfectly proper and justifiable.

With regard to Mr. Cohen's amendment, like every other little amendment of Mr. Cohen, it always looks very innocent at first, but has got to be looked at very carefully, but this caretaker, I am afraid, might take too much care of the property and no care for the Corporation rates. I think in such cases the man who claims to be the caretaker, might possibly be a person who has been employed to maintain a forcible possession. You are paying him Rs. 100 a month perhaps to keep possession for you as against your antagonist, or you pay perhaps to have a man lurking about; in that case he is no caretaker at all. I do not know what my friend's idea is of the commissioners not being able to exercise their discretion to find out whether this house ought to be rated as a vacant house or not. This has been our practice and we have never had any difficulty in our work. Everybody knows very well who is the caretaker or not; we know whether a building is vacant or not. Therefore, I do not think my friend, with his vast experience of municipal matters should press this question, and I hope he will withdraw it.

The Hon'ble Sir SURENDRA NATH BANERJEA: I want to say just a few words on behalf of Government. There was a sort of understanding between these utility companies—I was not present, at that time, I was ill—that this matter would be gone into afterwards and, if necessary, a Bill would be introduced and the Government of India addressed. I think there was that understanding, and that being so, it seems to me that it would scarcely be fair to support the amendment of my friend. My friend himself admits the justice of the remarks which I now make in this connection. It is not right that you should spring a surprise upon these utility companies in this matter, as contemplated by the provisions of this amendment, and therefore, I hope my friend will not insist on this part of the amendment.

As regards the other part to which reference has been made by Mr. Goode and the acting Chairman, I am afraid I must ask my friend to reconsider the situation because a caretaker may be a different person from what we ordinarily expect a caretaker to be, and I think he ought to be included in the category. That being so, I hope my friend will see his way to withdraw the amendment of which he has given notice.

Mr. D. J. COHEN: I beg leave to withdraw the amendment standing in my name.

The motion was then, by leave of the Council, withdrawn.

Babu SURENDRA NATH MALLIK: I wish to make my point clear. By what I said I did not mean that if I have the power and if I am so advised under the present Act, I am not going to assess these utility companies. I hope that point is clear.

The first amendment standing in the name of Mr. S. M. Bose was then put and lost.

The next amendment being consequential was not put as it was held to be covered by the decision arrived at by the Council.

Babu JATINDRA NATH BASU: I move that the proviso to clause 3(*47*), be omitted. The amendment is that the proviso to this clause should be omitted. The clause runs——

Mr. PRESIDENT: One minute, Jotin Babu; this has been postponed; it will come later, we are not taking it up this evening.

Shah Syed Emdadul Haq being absent, the following amendment standing in his name was deemed to be withdrawn:—

"That in clause 3(*50*), lines 4, 5 and 6, the words 'and includes any passage securing access to two or more premises, whether belonging to the same or different owners,' be omitted."

Babu JATINDRA NATH BASU: I move that in clause 3 (*50*), for the words beginning with "two or more premises" in line 5, up to the end, the following be substituted, namely:—

"four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint-owners where such passage is not less than eight feet wide."

This amendment refers to the definition of a private street. A "private street" has been defined to be a street, road, lane, gully, alley, passage or square which is not a "public street," and it includes any passage securing access to two or more premises, whether belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners

where such passage is of not less width than the Corporation may prescribe in this behalf. In place of that what I desire to provide is that unless a passage leads to four or more premises, it should not be classed as a private street; and I want also to exclude passages which have been left open in effecting partitions of masonry buildings. In effecting partitions, sometimes there are three or four divisions. Under the ordinary building regulations of the Corporation of Calcutta, if you want to erect buildings by the side of an existing building, you have to leave four feet open space and the neighbouring owner has also to leave four feet open space; that makes the space between the two houses eight feet. Therefore, in ordinary partitions if a space of eight feet wide is left open, that would, I think, meet any reasonable objection that may arise about the passage. If in a passage there are three houses, that fact would, under the definition as provided in the Bill, include it in the category of a private street. It often happens that in partitions that took place many many years ago, there were 3 or 4 houses in a passage. These houses would then, under the definition as given in the Bill, come under the regulation of the Act. That would be a great hardship. I therefore propose that, having regard to the system prevailing in this country and the necessity for dividing houses, the definition should be such as not to create any hardship on persons who have to divide their dwelling houses.

Raja RESHEE CASE LAW: I move that in clause 3 (*50*), lines 11 to 13, the words "where such passage is of not less width than the Corporation may prescribe in this behalf," be omitted.

My object is to safeguard the common-law rights of the joint-owners of a property in having a free hand in the matter of partition amongst themselves. Very frequently, such partitions are done by experienced engineers or experts appointed by courts upon which decrees are passed, and it would be unjust to fetter the hand of the parties or experts in this respect which may frequently operate as a great hardship upon the parties. Besides there are at present partition passages of various widths, and certainly it would be now most inequitable and unjust to curb the privileges of partitioned property owners by a new definition. Under the Act now in force such a passage was not included within the definition of a "private street."

Babu AMULYA DHONE ADDY: I beg to support amendment No. 59 standing in the name of Babu Jatindra Nath Basu in lieu of the amendment of which I have already given notice; but I am sorry to say I am opposed to amendment No. 60 moved by Raja Reshee Case Law. Under the definition of a private street we find, that it includes a passage between two premises belonging to the same owner. A passage between two premises if belonging to the same owner, is to be 40 feet wide as will appear from clause 315. Under that clause it will appear that a private street has at least to be 30 feet wide, whereas a public street has to be

not less than 40 feet as stated in clause 309. Under this clause the minimum width of a public street is to be 40 feet, but the Corporation may reduce it to 30 feet under special circumstances; so it appears that the minimum width of a private street is 30 feet, and there are circumstances under which the Corporation may reduce it to 20 feet. Assuming for argument's sake that the width of the private street is 20 feet, I beg to ask whether it is necessary in the case of a passage between two premises belonging to the same owner. Babu Jatindra Nath Basu appears to be more reasonable. He says if there be a passage leading to four premises, let that passage be regarded as a private street, that is to say, let that passage be 20 to 40 feet. But in the case of a passage between two premises belonging to the same owner, it will be a great hardship if the width of the passage be 30 feet.

Then, as regards partition passages, Raja Reshee Case Law has suggested that there should be no passage; it may be excluded from the definition of a private street, but for the ventilation of these separate buildings, there should be a passage. Then I beg to submit that the Corporation itself has suggested, as will appear from the statement of opinions of the Corporation of Calcutta, page 7, that the following words "but does not include a passage provided in effecting a partition of any masonry building amongst joint-owners provided that such passage be not less than 9 feet in width" be substituted for the last four lines commencing from "but does not include a pathway, etc."

So it will be seen that the Corporation has expressed the opinion that the width of a passage between partition buildings need not be more than 9 feet. Babu Jatindra Nath Basu has suggested that it may be 8 feet. That is a suggestion of several public bodies whose opinion was asked for. The question is what ought to be the width of such passage; public bodies have expressed the opinion that it should be 8 feet, the Coroporation says that it should be 9 feet; that the opinion of the Surveyor himself and that opinion has been accepted by the Building Sub-Committee and confirmed by the Corporation. Therefore, instead of leaving it to the sweet will of the Corporation, we would be justified in accepting the concrete suggestion, the most practical and reasonable suggestion of the Corporation itself. I therefore withdraw my amendment in favour of the amendment moved by Babu Jatindra Nath Basu.

Babu SURENDRA NATH MALLIK: So far as the question of my friend Babu Jatindra Nath Basu is concerned, when he proposes that "4 or more" in place of "2 or more," I would ask him to reconsider the position whether in view of the fact that these houses are partitioned and repartitioned over and over again, and four houses might in the course of 20 years make themselves 16 houses situated in a narrow pathway claiming to be a private street, but for all practical purposes used as a public street, we should start with "two or more." I would ask him to consider that. I had the honour of discussing this with him;

he thinks two would be too small, I think four would be too large; the result will be that on both sides of this narrow lane you perpetuate a large number of houses without any means of ventilation and things of that kind. That is what we are trying to avoid and I do not think you should so shape the law that these things should be allowed to continue. That is the point of view from which I would ask my friend to consider the subject.

The next point is as regards the width of 8 feet. Nine feet has been suggested by the Corporation. So far as I am concerned that is what it ought to be, and I accept Babu Amulya Dhone Addy's amendment regarding that.

Mr. PRESIDENT: But he has asked leave to withdraw his amendment.

Babu SURENDRA NATH MALLIK: Then I have got to fall back upon Babu Jatindra Nath Basu's amendment and I am sorry to do so. I think 10 feet would have been far better, but as Babu Amulya Dhone Addy has withdrawn his suggestion of 9 feet, I have to accept 8 feet, but I would ask Babu Jatindra Nath Basu to consider his idea that it should be four or more premises inside a narrow lane which may be multiplied into 16 premises in the course of 20 years. Having regard to that, I think my friend should withdraw his amendment.

Mr. PRESIDENT: Babu Surendra Nath Mallik, I have not quite followed your speech. Amendment 59 has got to be put as it stands. It cannot be accepted piecemeal. So far as I understand you have accepted part of it and rejected part of it.

Babu SURENDRA NATH MALLIK: Yes, that is so.

Mr. PRESIDENT: I shall be obliged if you will accept the amendment as it stands.

Babu SURENDRA NATH MALLIK: Yes.

Mr. S. W. COODE: On the whole Government think that the proposals made to whittle down the provisions of the clause are inadmissible. The old law provided no control over passages made by the owner in developing his property. A landowner, who had a large plot of land, was able to construct several houses and to give them most inadequate access by a common passage. These houses, it was thought, ought to be given some of the advantages which houses abutting on a public street enjoy, and we therefore proposed, in this section, to recognise the passage, which is constructed in order to give access to these buildings, as a private street in regard to which the Corporation have certain powers; they can regulate the width, they can insist on their being paved, lighted, drained, etc. We then thought that in certain instances provisions of this kind might be rather too drastic and the idea in this clause is to deal a little more leniently with these common passages by providing

that if the owner of the building conforms to the proposals which the Corporation may make as regards the width of this passage, then that passage will not be deemed to be a private street and it shall not be liable to the rigorous provisions which regulate private streets. I put it to the House that it is a very reasonable attitude to take up in relation to this matter. The Select Committee was right in thinking that we may very safely give the discretion to the Corporation as constituted under this Bill. It may have been that under the old law the Corporation was such that the ratepayers of Calcutta might have feared to throw themselves entirely on its mercy, but where it is a matter of relaxing the rules I think we can be pretty sure that the new Corporation under this Bill will probably deal much more leniently with the ratepayers of Calcutta than the old Corporation did. In the circumstances I think it is better to give the Corporation discretion since it is rather difficult to lay down any definite width which will meet the case. From that point of view I think the House should reject the amendment.

Mr. D. C. GHOSE: I support the amendment moved by Babu Jatindra Nath Basu. I certainly think that there ought to be a statutory definition of the width of partition passages. Instead of leaving this matter to the discretion, or, shall I say, caprice of the new Corporation, we ought to provide here in this Bill what the width of partition passages should be. I certainly think that a width of 8 feet is quite ample. I therefore support the amendment.

The motion standing in the name of Babu Jatindra Nath Basu was then put and agreed to.

The following amendments were then, by leave of the Council, withdrawn:—

Raja RESHEE CASE LAW: That in clause 3(*50*), lines 11 to 13, the words "where such passage is of not less width than the Corporation may prescribe in this behalf," be omitted.

Babu AMULYA DHONE ADDY: That in clause 3(*50*), lines 12 and 13, for the words "width than the Corporation may prescribe in this behalf" the words "than nine feet in width" be substituted.

SHAH SYED EMDADUL HAQ: That sub-clause 52(*c*) of clause 3 be omitted.

Mr. S. W. GOODE: With your permission, Sir, I would ask to move the following amendment which really arises out of the question raised in amendments Nos. 63 to 65. My motion is this:—

"That in clause 3(*50*), line 14, the words 'unless the contrary is shown' be transferred and inserted after the word 'shall' in line 13."

The section at present runs thus:—

A public street shall be deemed to include, unless the contrary is shown, all lands up to the outer wall of a premises, or if a street alignment has been fixed, then up to such alignment.

It is understood that the opinion has been given that the words "unless the contrary is shown" do not qualify the last sentence of that sub-clause and the result produces certain legal absurdities and I would ask your permission, Sir, to make assurance doubly sure, although I personally think the present drafting is really clear enough. With your permission I make it stronger by inserting the words "unless the contrary is shown" after the word "shall." In that case it would clearly cover all the words that follow.

The motion was put and agreed to.

Babu AMULYA DHONE ADDY: I move that in clause 3, sub-clase (*53*), lines 12 to 17, the whole paragraph beginning with the words "and, where there is no drain" down to the words "up to such alignment," be omitted.

It would appear from the definition of a public street that it means "any street, passage, etc.," and, where there is no drain attached to any such street, shall be deemed to include, unless the contrary is shown, all lands up to the outer wall of the premises abutting on the street and, if on any alignment, then up to such alignment. So it appears if there is a vacant plot of land in front of one house abutting on a public street, that land is to be regarded as a part and parcel of a public street. It may be said that it is nothing but a presumption, but why should we presume that it is a part and parcel of a public street and why should the owner be called upon to prove that that strip of land belongs to him, while it is a settled fact that it is not a part and parcel of that street itself. Then, Sir, suggestions have been made by every public body of Calcutta to omit this part of the definition. Let us see what the opinions of our Bengal Mahajan Sabha are. They have stated that it should be omitted as it is a direct encroachment on private rights of citizens. The public cannot be given any right over a private property. It is also the opinion of the British Indian Association, also of the Marwari Association. This association stated that it would be an encroachment on private lands. As regards the latter part, "that if a street alignment is fixed it will include all lands up to such alignment," it is not to the interest of the Corporation that that part should be included in the definition of a public street. Suppose that the width of an existing street is 8 feet and the width of alignment is 40 feet, and then if this portion of the definition is not omitted, then the owner of the adjoining land will be entitled to erect masonry buildings up to a height of 40 feet abutting on a street of width of 8 feet only! Sir, is it desirable that such building should be allowed? So it appears that it is not in the interest of private owners to have the first part of the amendment retained in the definition of public street and it is not in the interest of the Corporation to have the last part of the definition of a public street. Sir, I beg to submit that a public street should be a street which has been constructed by the Corporation or which has been vested in the Corporation. It should not

be presumed to include a strip of private land abutting on the public street because the Corporation has excavated a drain alongside his building. I beg to submit that there is no such definition in the Bombay Municipal Act, nor do I find it in the Madras Municipal Act. It may be said it is in the existing Calcutta Municipal Act. That is a defect and we have been called upon to remedy it in the existing Act.

Mr. S. W. GOODE: In opposing this amendment I would like to point out to Mr. Addy, what he probably knows, that there has been always a considerable difficulty in defining by statute the boundaries of a public street. A great many different Acts have attempted to do this in different ways. You require a definition which will ordinarily place the burden of proof on a private proprietor whose land is adjacent to the thoroughfare, when he attempts to encroach upon what may appear to be "no man's land" or claims it as his own. Upon the principle of beneficial interpretation, you ordinarily give the benefit of doubt in a matter of this kind to the local authority. You want in the statute to give a public body power to say to an owner that this land, which stretches up to his front wall or to his boundary wall is land which should ordinarily be presumed to form a portion of the public street. But Babu Amulya Dhone Addy forgets the force of the words "unless the contrary is shown." That qualifies the whole clause and it is a simple matter for a private proprietor who is in *bonâ fide* occupation of certain land to show that that land is not part of a public street and in that case this presumption falls to the ground. It is suggested that the clause as it now stands may have the unfortunate result that an owner who wishes to construct a building at the side of a street alignment may claim to have the street angle regulated by the width of the land between his front wall and the far side of the street alignment. I feel sure that his interpretation of the law is entirely wrong. He is relying to some extent on rules which exist in the present building schedule which, read with the present clause of the Act, has been interpreted by the Appeals Committee of the Corporation to produce this anomalous position, to which he has referred. But our building rules in the new Bill have been changed and that result will no longer arise. Moreover, I am very doubtful whether if the words "unless the contrary is shown" are taken to govern the whole clause, that interpretation at all arises even under the present Act and Rules. But in any case it does seem to us most essential to have some definition of this kind which gives, as I have said, the benefit of doubt to the Corporation in determining the boundary of a public street. After this explanation, I hope my friend Babu Amulya Dhone Addy will withdraw his amendment.

Babu SURENDRA NATH MALLIK: I was just speculating how it was that Babu Amulya Dhone Addy with all his experience in building regulations for the last 26 years, and my esteemed friend the Shah Sahib

with no experience at all, have both tumbled down into the same mistake That requires some explanation. I am almost inclined to think, an Babu Amulya Dhone Addy would very well understand, that some peopl think that certain defects ought to be remedied to make it convenien to a certain section of the community for building houses. But my friend Babu Amulya Dhone Addy, will very well find out his mistake after th explanation given by Mr. Goode regarding the force of the words " unles the contrary is shown." We are proceeding under a wrong assumptio if we think that another line has to be drawn between that line and th end of the road. The unfortunate position might arise that on a roa which is actually 15 feet wide, where ordinarily a two-storeyed hous can barely be built, a house may be built with a height which shoul ordinarily correspond with an 80-foot street, thus becoming a source o misery and annoyance to the people of the locality. My friend know this position fully well as he has been sitting in the Building Committe for the last 16 years, if I mistake not. We are trying to obviate thi difficulty in this Bill and I hope my friend will be pleased to withdraw his amendment.

Babu JATINDRA NATH BASU: I move that in the last two lines of clause 3 (53) the words "or, if a street alignment has been fixed, then up to such alignment " be omitted.

The street alignment is an imaginary line which the Corporation lays down in some streets. For instance, if the Corporation has an idea of widening Chowringhee Road they would lay down a line, say, a line according to which the front block of the Grand Hotel is to be demolished. What would happen is this: If a new building is erected on that road it has to be set back to the aligned line. If an existing building is demolished then no re-erection can be made within the alignment line. If the words I propose to omit are included in the clause they would mean not that only the existing street but such part of private property as falls within the alignment laid down will form a public street. For instance, as I have just pointed out, if the front block of the Grand Hotel is within the alignment then that front block will form part of Chowringhee Road. In other words, you are taking away private ownership. Under clause 297 of the Bill all public streets are vested in the Corporation. By the insertion of these words you deprive private owners of their property when the alignment line passes through a portion of the property. And as everything vests in the Corporation, the owner gets no compensation for his land and buildings within the alignment line when a set back is made to that line.

Mr. S. W. GOODE: It is a similar amendment to the one to which I have just referred. Babu Jatindra Nath Basu overlooks the fact that the words " unless the contrary is shown " qualify the whole clause. That being so, Mr. Stephen of the Grand Hotel would have no difficulty

in showing that the Corporation could not claim the land on which the front portion of his hotel stands, under this clause.

The amendment standing in the name of Babu Amulya Dhone Addy was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahbeob.
Ali, Munshi Ayub.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Rai Harendranath.
Das, Babu Shishmadev.
De, Rai Bahadur Panindralal.
Haq, Shah Syed Emdadul.
Karim, Maulvi Fazlal.
Law, Raja Reshee Case.
Makramali, Munshi.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Mullick, Babu Nirode Behary.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Ray, Babu Jogendra Nath.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Ali, Mr. Syed Erfan.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinash Chandra.
Bentley, Dr. C. A.
Birley, Mr. L.
Base, Mr. S. M.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Dearr, Major-General S. H.
DeLisle, Mr. J. A.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Haridhan.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mittar, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhon.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Rai Bahadur Upendra Lal.
Roy, Mr. Bijoyprosad Singh.
Ray, Mr. C. N.
Roy, Mr. J. N.
Roy, Raja Manilal Singh.
Sen, Babu Mani Lal.
Skinner, Mr. H. E.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. Hassan.
Villiers, Mr. F. E. E.

The Ayes being 25 and the Noes 42, the motion was lost.

The amendment standing in the name of Babu Jatindra Nath Basu was then put and lost.

The Council was then adjourned for 15 minutes.

After the adjournment.

Raja RESHEE CASE LAW: I move that at the end of clause 2 (*la*), the following be added, namely:—

> "Provided that such repeal shall not, in the absence of any specific provision in this Act to the contrary, limit or otherwise affect any right or privilege conferred or liability incurred previous to such repeal."

The omission of a clause like this is, I think, due perhaps to an oversight. It is but just and equitable that the existing rights

and privileges of the Corporation or their liabilities except in so far as they have been expressly varied by this Act should remain intact. It is also but just and equitable that the existing and already accrued rights, privileges and liabilities of any member of the public should remain intact. The Act has, I confess, provided in a measure to continue all the rights and liabilities of the Corporation, but the same may not have been exhaustive, and the intention of this amendment is to provide for such omissions. It does not purport to expand or confer any new right on the public and the addition of the words " in the absence of any specific provision to the contrary " sufficiently guards any apprehension on that score.

Mr. S. W. COODE: I would like to refer the Raja Sahib to section 8 of the General Clauses Act which states that when an enactment is repealed, it shall not thereby affect any right, privilege, obligation or liability required, agreed, etc., under the repealed Act, but in order to make the position still more clear, the Hon'ble the Minister proposes, with your permission, at a later stage, to move an amendment safeguarding any contracts, liabilities made or incurred by the incorporated municipality. I hope that with this assurance the Raja Sahib will see his way to withdraw the amendment.

The motion was then, by leave of the Council, withdrawn.

Mr. S. W. COODE: With your permission, I should like to move that the following addition be made after the words " held and made " in line 6 of the proviso to sub-clause 1 (3) of clause 1, namely,—

" in the manner provided in this Act and such election and appointment shall be deemed to have been held and made,"

the point being that we wish to make sure that the first election which will be held under this Bill will be valid, as certain objections arose when the Act of 1899 was brought into force.

The motion was then put and agreed to.

The following amendments were then, by leave of the Council, withdrawn:—

Babu SURENDRA NATH MALLIK to move that in clause 2(2)—

(1) in line 1, after the words " Budget passed " the words " appointment made " be inserted, and

(2) in line 8, after the word " passed " the word " made " be inserted.

Mr. D. J. COHEN to move that in clause 2 (2)—

(*i*) in line 4 after the words " sanction granted " the words " contract or appointment made, tender accepted, or liability incurred " be inserted, and

(*ii*) in lines 9 and 14, before the words " or issued " the words " made, accepted, incurred," be inserted.

Babu AMULYA DHONE ADDY: I move that in clause 2 (2), line 7, the words, " and is not inconsistent with " be omitted. It will appear that every sanction granted under the Calcutta Municipal Act, 1899, shall, so far as it is in force at the commencement of, and is not inconsistent with, this Act, be deemed to have been respectively sanctioned or granted under this Act. So it appears that if a person gets sanction for the erection of a building and if he is unable to complete the construction of that building before the expiry of the present Act and if that sanctioned plan does not conform to the Building Regulations of the new Act then that sanction unless these words are omitted, will be presumed not to have been granted: that is to say, he shall have to submit a plan again for sanction and comply with the Building Regulations of the new Act which are more stringent than those under the existing Act. It will be a source of hardship to the owner of a building who erects it in accordance with the plan sanctioned under the old Act, because if he is unable to complete his building before the expiry of the present Act, the sanction already granted to him will be regarded as null and void. That is the opinion of several public bodies, the Bengal National Chamber of Commerce, the Bengal Mahajan Sabha, the British Indian Association and the Marwari Association. We are afraid lest the sanctioned plan be regarded as null and void, especially when the Building Regulations under the proposed Act are going to be more stringent than those in the existing Act.

Mr. D. J. COHEN: When I gave notice of this amendment I had in mind exactly what Babu Amulya Dhone Addy has spoken to-day, but I now find, having regard to the rules that we have incorporated in Schedule XVI, that all sanctions under the present Act will remain in force for three years from the commencement of this new Act. I do not think it is necessary that these words should be omitted specially as Mr. Goode has assured me on behalf of Government that he is prepared to give an assurance to this Council that it will not affect sanctions granted under the present Act. I therefore beg to withdraw the amendment.

Mr. S. W. GOODE: The position as stated by Babu Amulya Dhone Addy is, I think, roughly correct, and the Corporation could, doubtless, but for certain words to which I will refer in a moment, under this clause, reverse, upset or revise orders that had been passed under the old Act. But these words are common to all legislation by which an old Act is repealed and a new Act is enacted. The General Clauses Act contains this clause, and even the existing Municipal Act contains this very clause. The Bengal Municipal Act has also this clause, and therefore *primâ facie* it would seem unnecessary to object on the ground that inconvenient consequences will follow in respect of private rights. Moreover, the Advocate-General, whom I have consulted, and the Legislative Department have both assured us that inconvenient consequences will certainly follow as regards the interpretation of this Act if these words

are omitted, and as Mr. Cohen has just pointed out, there is a speci provision in Schedule XVI of this Bill which provides that any buil ing sanction—and it is with these that Babu Amulya Dhone Addy mainly concerned—which is granted under the old Act, should be deem to be in force for three years after this Act comes into force and that peri might be extended by the Corporation if they so wish. I am sure Bal Amulya Dhone Addy, after reading that rule, will agree that there is r real ground for apprehension that building sanctions may be revers by the Corporation. I may point out that in the Act of 1899, althoug building rules were introduced of a much greater severity than tho formerly in force, and although a good many building sanctions we obtained under the provisions of the previous Act, the Corporation nev tried to revise or upset the orders which they had formerly passed, and think, therefore, that Babu Amulya Dhone Addy's apprehension entirely groundless, and this clause should stand as it is in the Bill.

The motion standing in the name of Babu Amulya Dhone Addy wa then, by leave of the Council, withdrawn.

Mr. S. W. GOODE: Sir, this is merely a formal matter. We wan to insert the words "in the *Calcutta Gazette*" after the word "notific tion" in clause 2 (*2a*), line 2, since the Bengal General Clauses Act do not provide that any notification is a notification in the Gazette.

The motion was then put and agreed to.

Mr. PRESIDENT: Order, order! We now go back to Nos. 67, 68 an 69. These amendments are subsidiary to section 388 (*2*) and therefo will be postponed until we get to 388 (*2*).

We now come to the constitutional provisions of the Bill beginnin with clause 5, and it is necessary to lay before the Council the compl cated questions involved in the amendments that have been tabled i as specific a manner as is possible so as to obtain clear issues on whic the Council can decide. There are two main questions in the connec tion. The first, which relates to the number of seats that shall be allotte to the areas which have been added to Calcutta by the decision of th Council in respect of Garden Reach and Cossipore-Chitpur, will giv little trouble as it is possible to deal with the matter on a straight issu on the amendments before the House. These amendments will com up in their proper order when Schedule III is taken up.

The second main issue is whether there is to be election of Muhamma dans by the general electorate or whether there is to be a communal elect rate of Muhammadans. It must be obvious to the Council that it i impossible to fix the number of seats and the communities to which thos seats shall be assigned until this Council has rejected, or adopted, th proposition, contained in certain of the amendments, that there shal

be a communal electorate for Muhammadans. This point must, therefore, be taken first as otherwise there may be confusion in the decisions of the Council hereafter. It is further necessary for the Chair to select an amendment which will bring forward the issue in a definite form and will not at the same time hamper the Council in any arrangement as to numbers which they may desire to make either on the ground of communal representation or the formation of a constituency of ladies or the representation of the areas now added to Calcutta or otherwise.

The amendment that satisfies the conditions set forth above is amendment No. 109, and I am to ask the House to take up that amendment first of all the amendments relating to the constitution of the Calcutta Corporation. It will doubtless be noticed that the passing of that amendment will affect amendments Nos. 106 and 107, as drafted, but if amendment No. 109 is carried I shall permit the movers of amendments Nos. 106 and 107 to recast their amendments so that the House may be able to consider their proposals in connection with Schedule III while leaving clause 7 of the Bill unaffected. If amendment No. 109 is defeated, then of course the amendments Nos. 106 and 107 will fall to the ground.

When amendment No. 109 has been disposed of I shall proceed to deal with Schedule III of the Bill. The Council will thus have before them each one of the details of the constitution of the Corporation separately for their decision, and the decisions of the Council on these details will settle automatically the final form of clause 5.

CLAUSE 7.

Mr. SYED NASIM ALI: I beg to move that in clause 7 for the words "to be reserved for Muhammadans in any constituency" the words "in the Muhammadan constituencies" be substituted.

My amendment wants to have the principle of communal representation by separate electorates accepted in all local bodies throughout Bengal. The Hon'ble the Minister in charge of Local Self-Government is against this communal representation by separate electorates on an abstract principle which is enunciated again and again by men of different religions and nationalities in different countries of the world. Sir, while opposing the principle of communal representation, the Minister in charge of Local Self-Government told us that Mr. Montagu said that it would be against the interests of Indian nationhood. But unfortunately the views of Mr. Montagu, so far as the Muhammadan community is concerned, and as recorded in that very report, were not placed before the House. Sir, some passages have been quoted from the Montagu-Chelmsford Report to convince the House that the acceptance of a separate electorate would be a retrograde step. No doubt Mr. Montagu said so while discussing the question of communal electorate as a whole. But

when he came to the question of communal representation of Muhammadans, what did he say? I find in paragraph 231 of his report these lines:—

We regard any system of communal electorates as a very serious hindrance to the development of the self-governing principle. At the same time we must face the hard facts. The Muhammadans were given special representation with separate electorates in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. The Muhammadans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguards.

I pause here for a moment to bring pointed attention of the House to this passage in the Montagu-Chelmsford Report—

The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that so far as the Muhammadans at all events are concerned, the present system must be maintained until conditions alter even at the price of slower progress towards the realization of a common citizenship.

Sir, this is what Mr. Montagu said in his report.

The Hon'ble Sir SURENDRA NATH BANERJEA: What is the paragraph, may I inquire?

Mr. SYED NASIM ALI: Paragraph 231. After this, what is the force of the argument that Mr. Montagu is against communal representation? He may be against communal representation in theory, but so far as practical politics is concerned, he had to admit its necessity. Why is the Government going to deviate from this principle? What are the special circumstances? The protection of the minority—the effective protection of the minority—is the only condition on which the Reforms can be successful in this land. We are quite prepared to have swaraj provided we get our fair share of the administration. Bengal is as much mine—Bengal is as much of the Hindus as it is of the Muhammadans—Bengal is my motherland as well as the motherland of the Hindus. I want a proper share in the administration of my own country. I am a Bengali, I am an Indian, I am a Muhammadan, but I want my adequate share in the administration of the country. I will not be satisfied with anything less than that. It is not number, it is not wealth, but it is the importance of the community. There are three

important communities inhabiting India—the Hindus, the Muhammadans and the Europeans. The three communities must have their adequate share in the administration of the country. The interests of these three communities must be protected. The Hon'ble the Minister says in his speech that the cardinal principle of the Calcutta Municipal Bill is transference of power to the ratepayers with due and adequate safeguard of all interests. So far as the transference of power is concerned, has any Muhammadan objected to it? Is there any amendment of objection to it? Are the Muhammadans if they ask for separate electorate to be called extremists as Rai Dr. Haridhan Dutt Bahadur has called us? We become extremists when we want our share in the administration of the country. We are characterized as extremists only when we want what we ought to get. Otherwise, so far as I can see, from the speech of Dr. Haridhan Dutt, he had absolutely no justification for making remarks in the Calcutta Corporation to this effect—

One great advantage of this proposal was that they would have wise, reasonable and acceptable Muhammadans among them—men like Prince Akram Husain, Mr. Fazl-ul Haq and Mr. Erfan Ali and not persons of an extreme or exclusive type, such as they have in the Bengal Legislative Council.

We are called extremists when we want our share of the administration of the country. Certainly we are extremists—we are extremists for our self-preservation—it is a question of life and death to the community—it is a question of struggle for self-existence. Sir, you will all be surprised to hear that the same Prince Akram Husain who was mentioned by Rai Dr. Haridhan Dutt Bahadur immediately got up and said—

Rai FANINDRALAL DE Bahadur: I rise to a point of order. Is he in order in referring to what Prince Akram Husain said in the Corporation meeting?

Mr. PRESIDENT: I was waiting to see how far the hon'ble member was making it relevant. How does the hon'ble member make it relevant?

Mr. SYED NASIM ALI: My position is this: that even these wise Muhammadans want communal representation—even these reasonable and acceptable Muhammadans want communal—representation.

Mr. PRESIDENT: Are you reading from the papers circulated with the Bill?

Mr. SYED NASIM ALI: Yes.

Prince Akram Husain said—

So far as our opinion goes, we should like to have a certain number of Muhammadans on the Corporation whether they come through the general electorate or through a special electorate. But I am here to give expression to the views of my community and to say that they desire to be represented through their own

special electorate . . . My community believe that if they have their representatives through the general electorate, those representatives are likely to be people who will be more eager to please the general electorate than our own community.

For the very reason which Rai Dr. Haridhan Dutt Bahadur has given by saying that he did not want men of a certain stamp and would like to have men of the stamp of Messrs. Fazl-ul Haq, Erfan Ali, and others, we say that though Dr. Dutt and the Corporation would be willing to have them, they would not be acceptable to the community they represent. This is the position. Mixed electorate is a contradiction in terms, especially when the majority of voters of the municipality in the different wards are Hindus and mixed electorate is intended for sending Muhammadan representatives from wards or constituencies in which the Hindus are in a majority. I would not like to be in an uncomfortable position in the Calcutta Corporation. When being styled as a Muhammadan Councillor, if delegated to represent Muhammadan interests, I shall have to look to the wishes of the majority who are Hindus. What would be my position there? Supposing a certain question comes in the Calcutta Corporation in which the Muhammadan interest is affected; what am I to do there? My constituencies would consist of Hindus and Muhammadans. The Hindus are in a majority there, that is, though a Muhammadan in name, though I am there for safeguarding Muhammadan interests and for representing Muhammadan interests constitutionally, I will have to voice the wishes of the majority who are Hindus. That is, Sir, exactly what the position is. Therefore, it is not what is called theory or logic, which is the life of law, but it is experience. We have got to deal with hard facts. You cannot unite two nations in a day by waving a magic wand, by passing an Act from the British Parliament, or by passing an Act from the Imperial or Provincial Council. The two must grow side by side, slowly and gradually. The development must be in that way. You cannot think of an Indian nation in which the Hindus will cease to be Hindus, Muhammadans will cease to be Muhammadans or Europeans will cease to be Europeans. Hindus and Muhammadans differ in religion, traditions, customs and habits of life. They must grow in their own sphere. They must grow in their own lights. They must grow according to their own ideals side by side. If there is to be an ideal self-government for India, it must be a federal union in which the Hindus as a whole would progress from the lowest rungs of life to the Legislative Council and the Muhammadans will also grow according to their own civilization, according to their own traditions and according to their own customs. Each community will develop its own powers, its own rights within its own sphere, and then these communities for the common weal of the country will form a federal union. I can think of an Union like that, but I cannot conceive of an Indian nation in which Hindus will cease to be

Hindus, Muhammadans will cease to be Muhammadans, and Europeans will cease to be Europeans. That will be apparently a Pluto's republic.

So far as India is concerned, India is not England, India is not America, India is India. It has been said that communal representation by separate electorates would widen the gulf between the two communities. That is not so. One of the members of the Legislative Council of the United Provinces while discussing the United Provinces Municipal Bill stated that if there be a separate electorate for Muhammadans, the two brothers will be just as brothers partitioning their father's estate, each trying to develop his share. Supposing the two brothers divide an estate and each tries to improve in his own way, do the brothers cease to be brothers? I put it to the House. It is from that standpoint that the whole question has got to be viewed. Look at that from the standpoint of the brothers dividing in order that they may unite really, sincerely, heart to heart, and not merely in words. That is the right real way by which unity can come. It must come from within. It cannot be done by legislation. It cannot be forced by legislation. While this question was debated in the United Provinces Council, Pandit Motilal Nehru said, if I remember aright, that his personal conviction was that separate electorate was against the interest of the nation. But he said: "Our Muhammadan friends want it, we give it to them." We want peace at any cost. Peace ought to be the motto. In a question like this peace should be our motto. Do you really narrow the gulf if you pass a legislation in the teeth of the opposition of one community? Supposing we lose, supposing representation by mixed electorates is forced upon us, well, we will be groaning under a sense of wrong. That would be widening the gulf. Muhammadans will think that the Hindus by a majority of their votes are in a position to carry anything and everything they like in the Legislative Council. That will be doing mischief to the unity of India. That is a question which our Hindu friends ought to consider twice. If the word "European" in the place of "Muhammadan" were put, would my European friends like this? I put this to them seriously—if there would have been a mixed electorate for Europeans for which there was an attempt in the Calcutta Corporation, how would my Europeans friends have liked it? But in view of the strong attitude which Mr. Watson-Smyth took in this Council, I think it was dropped, and very strategically dropped, because if that principle would not have been accepted, so far as Europeans are concerned, I am quite sure that this Bill would have been thrown out on account of the opposition of Europeans. It is for this reason that though the Calcutta Corporation, in the Sub-Committee, decided that there ought to be only one general electorate and the Europeans also ought to be returned from the general electorate, the Corporation subsequently resiled from the position. They knew

that there would be these difficulties which Europeans would bring forward. Is this justice? Is this fairness? I do not grudge my European friends their separate seats. They ought to have it, for the same reasons as I demand for us. I ask them to consider whether they would have liked a mixed electorate and whether they would like to have the word "European" to be substituted for "Muhammadan" and whether they would like to have the European representation through a mixed electorate. If they do not want it for their own community, in all fairness, Europeans ought to support communal representation.

My next point is this. If you look to the constitution of the Legislative Council, you will find that among the elected elements, the Europeans and the Muhammadans form 57 and the Hindus form 56. There is a significance in that number. That number goes to show that if any community simply by the sheer force of vote wants to carry out something against the interests of important minorities, the two minorities might combine and defeat the majority. That is the principle in which the number of seats—I mean elected seats—has been allotted to the different communities in the Legislative Council. It is very significant. It presupposes that things might come to such a pass in which the important minorities may be put in a false position by the majority and that under such circumstances, the minorities ought to combine if their cause is just to defeat the majority. That is exactly the position now. Everybody knows what Mr. Watson-Smyth or Colonel Pugh said on the last occasion. Both of them supported communal representation. Both of them said that the Muhammadans ought to have it in all fairness. I put it to my European friends here to consider whether since then anything has happened which would lead them to change their views. What has happened to change their views? This is the time in which the Muhammadan community wants to know whether their interests will be safeguarded.

One word more and I have done. We are for swaraj. We are for safeguarding Muhammadan interests. If we find that it is impossible here, we devise our own means of protection even at the sacrifice of the Reforms.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 15th February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 15th February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 103 nominated and elected members.

Government Bill.

The Calcutta Municipal Bill, 1921.

Mr. R. H. L. LANCFORD JAMES: Seldom in its short but busy life of two years has this Council been so stirred to its depths as has been the case in connection with the debate on which we are now engaged; seldom has any subject come up in this Council for discussion which is more likely to lead to acrimony and to members on both sides giving vent to expressions and sentiments which they will no doubt live to regret. Therefore, Sir, there can be but few members of this Council who would not gladly welcome any means, any reasonable means, by which this debate might be avoided. I have given the matter considerable thought for some time past, seeking to discern, if possible, some path out of the difficulty, some *via media*, and I rise before the Council to-day, Sir, in the guise of a mediator. I would that I had at my command the magnificent oratory of the Hon'ble the Minister in charge or of Mr. Syed Nasim Ali, who spoke on the subject yesterday; then I should be sure of riveting the attention of the Council. But we, commercial men, Sir, have little claim, have little opportunity as a rule, to lay any claim to oratory; and I would therefore beg the Council to be patient with me if they find me dull, or possibly my speech uninteresting. I take the liberty of hoping that they will listen to me carefully in the hope that possibly the suggestion that I am about to make may prove a solution of the difficulty. There are, Sir, I take it, few members of this Council who are not thoroughly conversant with what the Montagu-Chelmsford Report, and subsequently the Southborough Committee Report had to say on the subject of communal representation. There are few who are not thoroughly aware of the terms of the Lucknow Pact of 1916. Mr. Syed Nasim Ali speaking yesterday referred to the speeches delivered in this Council in November, 1921, by Sir Robert Watson-Smyth and Colonel Pugh, and from what I

have heard in the lobbies there can be little doubt that the contents of those speeches are well known and appreciated by most of the members of this Council. Therefore, I do not propose to traverse that ground again but to come straight to the point.

The Bill before the Council provides the reservation of 13 special seats for Muhammadans in the Corporation, election to these seats to be by the general electorate. Our Muhammadan friends fear that that method of election may prejudice their community and may possibly inflict an injustice on them. Mr. Syed Nasim Ali so lucidly explained their point of view yesterday that I do not think it is necessary for me to go into that in detail. The Muhammadans claim the privilege of electing their own representatives by the system which is known as communal election. An unofficial reply which has been given to them, I understand, states that under the ordinarily accepted rules of communal election the number of seats to which they would be entitled in the Corporation would be 7. I am also given to understand that unofficially it has been conveyed to our Muhammadan friends that if they will consent to election by the general electorate they may confidently expect to receive an increased number of reserved seats. On this point, however, Sir, they find themselves entirely unable to give way. Now, few people, I take it, will be found to argue that communal representation is an ideal system, but at least it has two advantages: first, that it is already a recognized system in this country, and secondly, that it does provide protection for communities in a hopeless minority. The fact that Muhammadans deserve special recognition has been admitted by the reservation for them of these 13 seats on the Corporation. Whether the reason be lack of what I may call corporate wealth or whether it may be failure to imbibe that modern education at which our Hindu friends have so eagerly grasped—whatever may be the cause, everybody is agreed that at the present time the Muhammadans are entitled to special recognition. Possibly, I believe probably, those conditions will not always obtain. But that they do obtain at present no one will deny, and few there are who will not admit that they are likely to obtain for some little time to come. Now, Sir, my suggestion is this: I say—let us meet the emphatic wishes of our Muhammadan friends by giving them their 13 seats: let us recognize that in the present state of the development of their community, their claim to communal election is a reasonable one; but let them on their side recognize that this system cannot be expected to continue indefinitely, and let them, I suggest, be content with this special privilege for a period of nine years. I suggest nine years for a two-fold reason: to begin with, the life of a Corporation Assembly is three years: the Commissioners are elected for periods of three years each. Therefore, my suggestion covers three elections to the Corporation, and in my view it has this further advantage. The Reforms have now been in existence for two years. At the end of ten years, as every one knows, a Royal Commission is to

visit India to review the Reforms; that is to say, in eight years' time, we may expect that Royal Commission. I take it that they will be occupied in their duties and in the writing of their report probably for some 12 months. Therefore, the two periods synchronise. You have got the three elections covering nine years on the one hand and at the end of these nine years, we ought to be in possession of the views of the Royal Commission on communal representation in general. But, Sir, I would desire to make it very clear to my Muhammadan friends that the suggestion I am making in no way carries with it the right to a review of their system of election at the end of three years. The privilege merely lapses—it automatically lapses. Of course, as they will quite realize, if they feel at that time so passionately as they do at present, it will surely be possible for them to devise some means by which the matter might be considered. I personally hope—and I anticipate—that such a need for review will not occur. In discussing the period I have suggested, namely, nine years informally, with some of my friends, I find that it is criticised as being too long. The Bible, Sir, reminds us that in the sight of the Almighty, a thousand years are but as one day. What are nine years in the life of a body like the Calcutta Corporation? We are engaged here on empire-building; we are being constantly faced with problems of this nature. What, I ask, are nine years in the history of any people? The alternatives that have been sugested are three years—

[At this stage the member reached the time-limit.]

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Please go on.

Mr. R. H. L. LANCFORD JAMES: The alternatives that have been suggested are three years, which is one term of the life of a Corporation, or six years. But this, I maintain, even the period of six years, is too short. I would desire, Sir, to end my remarks on a somewhat personal note. I am, I believe, with the exception of Mr. Campbell Forrester, and Mr. Carey, the new President of the Bengal Chamber of Commerce, the only non-official European, who was an original member of this Council. During the two years that we have been associated, I have made many friends in all the communities in this Council, and I do appeal, with all the earnestness at my command, to my friends in both the communities particularly interested in this question, that they should seriously consider the suggestion that I have now put forward. I have not attempted in any way to go into details as to the number of seats. That, I take it, is a matter which, in view of the decisions of this Council to include in the greater Corporation several of the outlying municipalities, will have to be considered. But what I am discussing is the principle of the matter. And I would in particular appeal to our greatly respected and greatly beloved Minister to meet the very intense feeling amongst his Muhammadan friends on the lines that I have

suggested. Knowing him as I do, I have little doubt that in the largeness of his heart he will do so. (Applause.)

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): A very important suggestion has been made by my friend, Mr. Langford James, in terms of moderation that entitle it to be very carefully considered. It is a very grave matter; and it is necessary that I should take time for its consideration. Therefore, Sir, if you permit the adjournment of this question till Monday next, Government will be in a position to come forward with a definite reply to the suggestion that has been made.

Mr. PRESIDENT: I think it will be the general wish of the members of the Council that Government should have time to consider the suggestion which has been put forward by Mr. Langford James. I therefore adjourn the further debate on this matter till Monday next, on the understanding that it will be taken up on Monday. I hope and trust that a conclusion will be reached one way or the other. (Applause.)

CLAUSE 6.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that, for the words "Tollygunge and Garden Reach municipalities" in lines 10 and 11 of clause 6, the following be substituted, namely:—

"Cossipore-Chitpur, Garden Reach and Tollygunge municipalities."

The motion was put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that for the words "Maniktala municipality" in line 15 of clause 6 the following be substituted, namely:—

"Maniktala, Cossipore-Chitpur or Garden Reach municipalities."

The motion was put and agreed to.

CLAUSE 6A.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that for clause 6A the following be substituted, namely:—

Transfer of liabilities.

"6A. All contracts made and liabilities incurred by the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1899, or by the Commissioners of the Maniktala

or Cossipore-Chitpur or Garden Reach municipalities, may, so far as they are outstanding at the commencement of this Act, be enforced by and against the Corporation of Calcutta as constituted under this Act."

The motion was put and agreed to.

CLAUSE 18A.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that in lines 5 and 6 of clause 18A(*1*) and in lines 10 and 11 of that clause, for the words "Maniktala municipality" the words "Maniktala, Cossipore-Chitpur and Garden Reach municipalities" be substituted.

The motion was put and agreed to.

CLAUSE 96A(*2*).

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that consequent on the decision of the Council, clause 96A(*2*) do stand, for the consideration of the Council in the following form, namely:—

"(*2*) From the commencement of this Act, the Corporation shall pay annually from the Municipal Fund for ten years to the Commissioners of the South Suburban municipality the sum of eight thousand rupees, being approximately, at the commencement of this Act, one-half of the difference between the gross revenue obtained as rates and taxes from, and the amount expended on, that portion of the area known as the new Dock Extension area which was formerly comprised within the said municipality and which forms part of the area added to Calcutta."

The motion was put and agreed to.

Mr. S. C. STUART-WILLIAMS: I move that clause 96A(*2*) be omitted. I regret I was not aware that this would come up this afternoon, and I am not so well prepared as I would like to be, but I think the circumstances under which the clause has been included, are known to all members of this House. Owing to the acquisition by the Port Commissioners some years ago of a large area which formed, and still forms, a portion of the South Suburban municipality, and to the fact that this land has almost entirely been cleared of habitations with a view to its use for railway arrangements and connected works which will form part of the King George's Dock scheme, the position has been for some years that the South Suburban municipalities has, under the Bengal Municipal Act, realized considerable revenue from the Port Commissioners in respect of this area, which owing to the fact that this

land has been cleared, the municipal services which have been rendered have been on a very small scale. In mentioning this fact I do not mean in any way to cast any reflection on that municipality or to represent that their duties have been neglected. What I wish to bring out are the circumstances in which this revenue, nearly all net revenue, has been realized for a number of years. I understand that the South Suburban municipality asked that this windfall—it is nothing but a windfall—should now be perpetuated by statutory enactment for a period of 10 years. I beg to say that in my view this is not a suitable or equitable arrangement. It may be accepted that in the ordinary course this area will be developed, that municipal services will be rendered, and that those services would demand a considerable expenditure on the part of the municipality, so that a considerable portion of the revenue would in the ordinary course have been disbursed. It seems to me, therefore, that to ask that for this net revenue to be perpetuated, is to ask for something which is not due. If the area is developed, it must and should involve for the Calcutta municipality, which will now exercise jurisdiction, a considerable expenditure, and under this proposal the Calcutta Corporation will be called upon, in the first place, to pay this sum to the South Suburban municipality, and in the second place, to spend money on the ordinary amenities, that is, in providing the municipal requirements of the area. I therefore beg to move that this clause be omitted.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I think the history of this Rs. 8,000 contribution is well known to every member of this Council. A good portion of the South Suburban municipality was acquired by the Port Commissioners about 15 or 16 years ago. That portion was full of buildings and *bustees*, and the South Suburban municipality was in receipt of a handsome amount in the shape of rates and taxes from the ratepayers. When, however, the Port Commissioners acquired it, we had to impose a tax upon the Port Commissioners and the present rate which we get from the Port Commissioners is about Rs. 16,000. That portion of the municipality is not necessary now to the Port Commissioners at all; it has been lying waste for the past 15 years i.e., since the time the Port Commissioners acquired it. Now this question of amalgamation was considered by the Special Committee which was appointed by the Hon'ble the Minister in charge of Local Self-Government, and which was presided over by the Hon'ble the Advocate-General, and in which Dr. Banarji and Mr. Woodhead were also members. They said that this portion of the municipality was not at all necessary to be amalgamated. They further said that if this area was acquired, the financial condition of the municipality would be hopelessly crippled; they further said that if this portion was at all necessary, at some future time, the Government might amalgamate it with Calcutta under section 533A, I think. I will read a small portion

of the report of that Committee which recommended that this portion should not be amalgamated. In the Report we find:—

"The case for the amalgamation of that portion of the new Dock area which falls within the South Suburban municipality is practically the same as that relating to the area falling within the Garden Reach municipality Out of a total revenue of Rs. 63,000, Rs. 16,000 is realised from property belonging to the Port Commissioners, and the expenditure on the services rendered to the Port Commissioners is much less than the receipts. As in the case of the Garden Reach municipality, the severance of the Port Commissioners' area would seriously interfere with the stability of the finances of the municipality and would very adversely affect the efficiency of the municipal administration. The fact that this portion of the Port Commissioners' land will in all probability be chiefly occupied by a large marshalling yard not requiring such a high standard of municipal service renders the amalgamation of this area with Calcutta less urgent. We accordingly do not recommend the amalgamation of this portion of the new Dock area with Calcutta.

However the mischief has been done; the portion has been amalgamated with Calcutta. But the Select Committee of the Calcutta Corporation were kind enough to recommend that if this portion be at all acquired by the Calcutta Corporation, then at least half the income which the South Suburban municipality is now getting should be given to the South Suburban municipality, that is out of Rs. 16,000 they ought to get Rs. 8,000. That was the recommendation of the Select Committee and Government have accepted it. We are not only losing Rs. 16,000, but as my friend, Babu Nitya Dhon Mukherjee, and also those connected with the Calcutta municipality know very well, every five years we increase our rates and taxes. In another three years when our new assessment will be due, we expect to get at least Rs. 20,000. The Calcutta Corporation will get this increased revenue and should not grudge paying this Rs. 8,000 out of their enormous revenue of 2 crores! Mr. Stuart-Williams thinks that even this amount should not be given. I think I have said quite enough on this question, and I shall not take up any more time of the Council.

Babu SURENDRA NATH MALLIK: I admit that Mr. Stuart-Williams is right in his demand that the circumstances do not justify this; but this amount was promised as a solatium—Rs. 8,000 for the part that was being taken away from my friend's municipality, possibly against his wishes. He thinks that the mischief has been done; I think the mischief of non-inclusion has been averted. Sir, as we had promised, so far as the Corporation is concerned—I do not know what the Hon'ble Member in charge thinks about it—but so far as the Calcutta Corporation is concerned, when they have promised it, they will stick to it and they are willing to give my friend Rs. 8,000 a year for 10 years, provided that taking advantage of that kindness, he does not extend his hand further, as he has said in his motion that the Corporation shall pay annually from the municipal fund for 20 years; that is not proper. We

have recognized that and have given a solatium, and he ought to be satisfied with Rs. 8,000 for 10 years, and after that we have finished.

The Hon'ble Sir SURENDRA NATH BANERJEA: Reference has been made to me as Member in charge of the Bill as to what I propose doing in this connection. As spokesman of the Select Committee I think it my duty to support the Select Committee, and I trust the Council will accept the recommendation of the Select Committee.

The motion was then put and lost.

Mr. DEPUTY-PRESIDENT: After what Babu Surendra Nath Mallik has said, I need not move the following amendments standing in my name. I therefore ask leave to withdraw them:—

If motions Nos. 17 and 93, 675 and 728 be not carried, that in clause 96A(*2*)—

(*1*) in line 3, for the word "ten" the word "twenty" be substituted,

(*2*) in lines 5 and 6, for the words "twenty-five thousand five hundred rupees and eight thousand rupees" the words "fifty-one thousand rupees and sixteen thousand rupees" be substituted, and

(*3*) in line 8, the words "one-half of" be omitted.

If amendment No. 226 be not carried, that in clause 96A(*2*)—

(*1*) for the words "twenty-five thousand five hundred rupees and eight thousand rupees" the words "fifty-one thousand rupees and sixteen thousand rupees" be substituted;

(*2*) in line 8, the words "one-half of" be omitted

The amendments were then, by leave of the Council, withdrawn.

Babu SURENDRA NATH MALLIK: I move that to clause 96B the following be added, namely:—

"and a sum of not less than a lakh of rupees on the execution of original improvement works within the area which formed the Cossipore-Chitpur Municipality at the commencement of this Act."

The reason for this is obvious. We have made a similar provision in the case of the Maniktala municipality and now that Cossipore-Chitpur has also been included we ought also to put in a provision for a statutory obligation of a similar expenditure with reference to this latter municipality.

Mr. PRESIDENT: Mr. Stuart-Williams, you can add yours in continuation of this.

Mr. S. C. STUART-WILLIAMS: I move that to clause 96B the following be added, namely:—

"and a sum of not less than a lakh of rupees on the execution of original improvement works within the area which formed the Garden Reach municipality at the commencement of this Act."

The excellent precedent which has been established in the case of Maniktala and also in the case of Cossipore-Chitpur should, I think, be applied to the case of the Garden Reach municipality. For some years now we have been unable in that area to obtain either an adequate supply of water or any conservancy service at all suitable to the work to be done, and we are at present in a position of having to pay municipal rates and at the same time carry out our own water-supply by the sinking of bore wells as well as our own conservancy arrangements by erecting at considerable expense several septic tank installations. In addition to this the area requires considerable expenditure in the matter of roads and other conveniences, and in view of the considerable increase of income which this amalgamation will bring to the Calcutta Corporation I submit that some definite guarantee for the improvement of that area should form part of the Act. With these remarks I beg to move my amendment.

Rai Dr. HARIDHAN DUTT Bahadur: I must raise my voice in opposition to this amendment. My friend Mr. Stuart-Williams has spoken about the principle which has been accepted in connection with the amalgamation of these added areas with Calcutta. I am disposed to think that no such principle has been accepted by this Council. When the Corporation of Calcutta was anxious for the amalgamation of Cossipore-Chitpur and Maniktala, these municipalities very strongly represented that they could not agree to the amalgamation, unless this amalgamation was to their advantage, and to explain to them how advantage would accrue to them, it was pointed out that the Select Committee was going to impose a statutory obligation for spending a lakh of rupees in each of these municipalities, and that silenced the opposition which was raised against the amalgamation. But the case is altogether different in the case of the Garden Reach municipality. This area consists mainly of the Docks and the Dock Extension. The Dock area and the area of the King George's Dock when completed would occupy almost the whole of the Garden Reach municipality, and everybody in this Council is aware that the Dock area is one of the richest portions of the town of Calcutta. That being so, the principle as applied in the case of Maniktala and Cossipore-Chitpur municipalities cannot be applied in the case of the Garden Reach municipality. The Calcutta Corporation was not very anxious for extension southwards, more than was absolutely necessary for their purpose. It was Mr. Stuart-Williams' amendment here which led the

uncil to include the whole of the Garden Reach municipality. Now my iend comes here and says that the treatment which has been accorded Maniktala and Cossipore-Chitpur should also be extended to his unicipality, the Garden Reach municipality. I am disposed to think at he is asking for too much. I do not for a moment suggest that the rporation of Calcutta should not spend an adequate sum of money for e improvement of the Garden Reach municipality, but what I do object is the addition of a statutory obligation that one lakh must be spent original improvement work in Garden Reach municipality. I would k Babu Surendra Nath Mallik not to place this in the same category Maniktala and Cossipore-Chitpur, but to consider it on its own merits.

Mr. DEPUTY-PRESIDENT: I have great pleasure in supporting the iendment of Mr. Stuart-Williams. The Garden Reach people were not ry anxious to be amalgamated with Calcutta and if you want to algamate them with Calcutta it must be upon certain terms. My friend ai Dr. Haridhan Dutt Bahadur has said that a good portion of Garden each is covered by the Dock Extension area, that is not a fact. Only e-third of the area is covered by the Docks; the rest is full of *bustees* d also a few mills. The locality where there were a large number of latial buildings has been acquired by the Port Commissioners and is w within the Dock Extension no doubt, but we have got still a large ea which has not been acquired by the Port Commissioners, and it is solutely necessary that you should spend a substantial sum for the provement of that area. So I think the proposal made by Mr. Stuart-illiams that there must be a statutory obligation on the part of the lcutta Corporation to spend at least a lakh of rupees. I think that what he said—on the execution of original improvement works within e area, should be accepted by the Council.

Babu DEBI PROSAD KHAITAN: As one of the Commissioners of e Calcutta Corporation present here, I think it is my duty to strongly pose the amendment that has been proposed by Mr. Stuart-Williams d which is now before the Council. It is well known that when the oposals to include Maniktala and Cossipor-Chitpur were before the lect Committee and before the Committee that was appointed to nsider this question, there was strong opposition from the Maniktala d Cossipore-Chitpur people to the inclusion of those areas within the unicipal limits of Calcutta. The case of the Garden Reach municipality es not stand on the same level. In this case, the body of which r. Stuart-Williams is the head themselves asked that the Calcutta Cor-ration should include within its boundaries at least the area covered by e Dock Extension; and certainly it does not now lie within the mouth Mr. Stuart-Williams to say that he is doubtful of the action of the lcutta Corporation, that he cannot trust the Calcutta Corporation to its duty. He has repeatedly said that the grounds on which he wants

the transfer of the Dock Extension area from the Garden Reach municipality to the Calcutta Corporation, are that the Garden Reach municipality did not do its duty, whereas the Port Commissioners thought that the Calcutta Corporation will do its duty and spend such amount as may be necessary for the betterment of that municipality. The committee appointed to go into the whole question thought that if the Dock Extension area was included, the whole of the Garden Reach municipality ought to be included within the municipal boundaries of Calcutta, and we know, as a result of that report, the House decided that the whole of the Garden Reach municipality should be included. The reanson why I am objecting to this amendment is not that the Calcutta Corporation will not spend this amount, but it is the distrust of the Calcutta Corporation to do their duty by the Garden Reach municipality which has just been included more at the request of the Port Commissioners than that of the Calcutta Corporation.

Babu AMULYA DHONE ADDY: I strongly support the amendment of Mr. Stuart-Williams. I am sorry to find that Rai Dr. Haridhan Dutt Bahadur has opposed it. He is under the impression that the main portion of the Garden Reach municipality is the Docks. But I beg to submit, as has been pointed out by Mr. Deputy-President, the Docks consist of a very small portion of the Garden Reach municipality. So far as I know the major portion consists of huts belonging to the poor of that locality and the sanitary condition of that portion is very bad. The rate of mortality is very high and the finances of the municipality are in a very deplorable state. But in the case of the Cossipore-Chitpur municipality, there is a large number of jute presses, a large number of palatial buildings, and the rate of mortality in this municipality is much lower than even that of Calcutta, and the state of the finances of this municipality is also satisfactory as pointed out by the Government Committee. Notwithstanding this fact, the Corporation has agreed to contribute no less than a lakh of rupees per annum for Cossipore and it is most regrettable that a member of the Calcutta Corporation has come forward and protested against the contribution of a lakh of rupees towards the improvement of a municipality which has already been entrusted by this Council to the Calcutta Corporation.

Mr. PRESIDENT: Mr Ghose, you may speak now and at the same time move your amendment No. 232.

Mr. D. C. GHOSE: I rise to oppose the amendment which has been moved by Mr. S. C. Stuart-Williams. Mr. Deputy-President in supporting this amendment has said that if you want the amalgamation of the Garden Reach municipality, it must be on certain terms. I was surprised to hear him say that, because, as everybody knows, the amalgamation has already been made. It is a settled fact and the amalgamation has been made without any terms whatever. As my friend, Babu Debi

Prosad Khaitan, has pointed out the Garden Reach municipality has come within the limits of Calcutta of its own accord, and I suppose the municipality has come within the limits of Calcutta, because the authorities of the municipality trust the Corporation of Calcutta. That is why, I take it they have come within the limits of Calcutta. Surely they cannot now turn round and say that they do not believe in the *bona fides* of the Calcutta Corporation.

The object of the amendment that stands in my name is very modest. I do not ask for any large sum to be given to the Maniktala municipality. I only want that the clause should comply with the terms of the decision of the Select Committee. It will appear that the clause, as it stands at present, is at variance with the decision of the Select Committee. The decision of the Select Committee was this. The majority decided that the condition for including the Maniktala municipality should be that a statutory limit should be imposed on the Corporation to spend not less than one lakh of rupees annually over and above the income derived from the Maniktala municipality on original works of improvement for ten years. But in the clause I find that these words, namely, "over and above the income derived from the Maniktala municipality" do not occur, and therefore, to rectify that mistake I move my amendment which runs thus:—

96B. The Corporation shall, beginning from the third year after the commencement of this Act, spend annually for ten years on the execution of original improvement work within the area which formed the Maniktala municipality before the commencement of this Act, a sum of not less than one lakh of rupees in addition to the income derived from the said area.

I hope, therefore, that Government will accept this amendment because it only complies with the terms of the decision of the Select Committee.

Mr. PRESIDENT: I would ask Babu Hem Chandra Nasker to move his amendment No. 231. I want to get all these moved together.

Babu HEM CHANDRA NASKER: I beg to move that in clause 96B, lines 3 to 5, for the words "annually for ten years a sum of not less than one lakh of rupees on the execution of original improvement works" the following be substituted, namely,—

> "an average of three lakhs of rupees a year, over and above the amount realized as revenues from the Maniktala municipal area, until such time as the Government are satisfied that the more urgent improvements have been carried out."

The Committee appointed by the Government to report on the question of amalgamation which was presided over by no less a personage than the Advocate-General of Bengal, recommended after a careful consideration of the pros and cons on evidence produced before them, the amalgamation of Maniktala, subject to a statutory obligation being placed upon the Calcutta Corporation to spend an average of three lakhs of

rupees a year over and above the amount realised as revenues from Maniktala, until such time as the Government was satisfied that the more urgent improvements had been carried out. The Committee further say—

> We consider the imposition of this statutory obligation of the greatest importance and an integral part of our proposals. Without this statutory obligation we are not prepared to recommend amalgamation.

The Calcutta Corporation rejected the recommendation, but intended to spend one lakh of rupees, if pressed. The majority of the Select Committee of the Legislative Council decided that the condition for including Maniktala should be that a statutory liability should be imposed on the Calcutta Corporation to spend not less than one lakh of rupees annually over and above the income derived from Maniktala, on original works of improvement, for a period of ten years commencing after the expiration of three years from the date on which the amalgamation takes effect. But the clause 96B, as framed, does not say that the contribution of one lakh is irrespective of the revenues derived from Maniktala. Maniktala expects to get one lakh of rupees more after the revision of assessment which comes after three years. So I appeal to the House to consider the question seriously and support the recommendations of the Government Committee presided over by the Advocate-General of Bengal.

Mr. S. MAHBOOB ALEY: I move that in clause 96B, line 3, for the words " annually for 10 years a sum of not less than one lakh of rupees on the execution of original improvement works," the following be substituted, namely:—

> "on an average three lakhs of rupees a year, over and above the amount realized as revenues from Maniktala municipal area, until such time as the Government is satisfied that the more urgent improvements been carried out."

I bring forward this amendment as I find that my amendment regarding the inclusion of the Maniktala municipality has not been accepted. The reason for moving my amendment is to make a provision of a statutory liability to be imposed on the Corporation to spend not less than three lakhs of rupees on original works of improvement in the Maniktala area. Under section 96B of the Bill the Corporation shall, beginning from the third year of the commencement of this Act, spend annually for 10 years one lakh of rupees over and above the income derived from the Maniktala municipality as it was before the commencement of the Act, on such works of improvement as would be beneficial to the people of the locality. Sir during the next 10 years there will be two revisions of assessment and a considerable sum could be set apart by the Calcutta Corporation within these areas on original works of improvement in Maniktala. And if no money could be set apart from ordinary income

the sum must be provided for by raising a loan. Then again, the Committee appointed by Government and presided over by the Advocate-General to consider the extension of the boundaries of Calcutta after a careful consideratio of the evidence placed before them recommended the inclusion of the Maniktala municipality on the express understanding that obligation should be placed on the Corporation for spending three lakhs of rupees over and above the income derived from the revenue made of the Maniktala municipality, until such time that the Government was satisfied that the more urgent improvements had been carried out. The Government Committee stated that they considered the imposition of a statutory obligation as of greater importance than their proposal and they said that without this statutory obligation they were not prepared to recommend the amalgamation. The Corporation, however, rejected the recommendation of the Government Committee and accepted that of the Select Committee which imposed a statutory obligation to spend annually one lakh of rupees a year over and above the income derived from Maniktala on original works of improvement for a period of 10 years. Even this limited obligation is debarred from the clause itself. I therefore think that the clause, as it appears in the Bill, cannot be accepted.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): Mr. D. C. Ghose has pointed out that the question of placing a statutory obligation on the Calcutta Corporation to spend a certain sum annually over and above the income received from Maniktala was considered by the Select Committee. We came to the conclusion that it is almost inevitable that the Corporation would be obliged to spend on ordinary routine services, in attempting to bring them up to the Calcutta standard, a sum considerably larger than the present income enjoyed by the Maniktala municipality. We therefore, thought that it would be an adequate obligation to place upon the Corporation, if you require them to spend at least one lakh on original works, that is to say, to spend one lakh on loan charges, and from that point of view we think that the Bill, as it stands at present, is probably preferable. Mr. Ghose's amendment is defective in form, as the amendment says in effect that the Corporation shall for 10 years spend on original works a sum of one lakh of rupees *plus* total income received from the Maniktala municipality which is not at all what he intended to state. And as the Select Committee was clearly of opinion that the Corporation would not be able to evade its duty if it were required to spend at least one lakh on original works, we would prefer to keep the Bill in this present form.

Babu AMULYA DHONE ADDY: I am strongly opposed to the amendmenf which has been moved by Babu Hem Chandra Nasker as also the amendment moved by Mr. S. Mahboob Aley. The proposal is to make

a contribution of at least three lakhs of rupees from the funds of the Calcutta Corporation for the maintenance of the Maniktala municipality in addition to their income. If we sanction that, we shall have to make similar contribution to the Garden Reach municipality and to the Cossipore-Chitpur municipality, that is to say, we shall have to pay nine lakhs of rupees to these three municipalities in addition to their income. It means that the Corporation of Calcutta shall have to increase their rates by about 1½ per cent. for the maintenance of these three municipalities. The other day I stated what the state of the finances of the Corporation was. I have stated that there was a deficit of more than nine lakhs of rupees. I have also stated that the borrowing capacity of the Corporation is going to be exhausted and even if we were to make any contribution to the adjoining municipalities the Corporation of Calcutta would be under the painful necessity of increasing the rates. Under the circumstances, I do not think it is advisable to accept the suggestion which has been made by Babu Hem Chandra Nasker. He is a municipal commissioner of the Maniktala municipality and so is Mr. S. Mahboob Aley. It is but natural that they should make such suggestions. But is it not advisable to take into consideration their present income? The present income of the Maniktala municipality is about two lakhs and I do not think they are justified in asking the Corporation of Calcutta to contribute three lakhs for the improvement of that municipality. Under these circumstances I strongly oppose these two amendments.

Mr. DEPUTY-PRESIDENT: We have heard the other day from the Hon'ble the Minister in charge of Local Self-Government that inasmuch as a special committee of Mr. Das had recommended the amalgamation of the Maniktala municipality with Calcutta, Government was bound to accept that recommendation and would amalgamate it. Speaker after speaker in this House has spoken on the subject of amalgamation and has said that the Maniktala municipality was in a very bad plight and that it ought to be amalgamated with the Calcutta Corporation. If the Hon'ble the Minister in charge of the Department of Local Self-Government is consistent, then I think he ought also to support the other recommendation of the Das Committee which is this:—

> We recommended that the Maniktala municipality be amalgamated with the Calcutta Corporation, subject to a statutory obligation being placed upon the Corporation to spend an average of three lakhs of rupees a year over and above the amount realized as revenues from Maniktala, until such time as the Government was satisfied that the more urgent improvements had been carried out.

So there are two recommendations of the special committee—first that Maniktala ought to be amalgamated; and secondly, that it should be amalgamated subject to a condition that three lakhs of rupees should be spent annually by the Corporation of Calcutta on Maniktala. I should like to know what the views of the Hon'ble the Minister are on the subject.

The Hon'ble Sir SURENDRA NATH BANERJEA: I will state my views at once. My hon'ble friend should not overlook the fact that this Committee was an advisory committee and that we were not bound to accept every recommendation made by it. We accepted some of the recommendations and we modified others, and we were quite within our rights to do that. I do not think my hon'ble friend is quite right in saying that we are bound to accept all the recommendations of the Committee. As I have already said that the Committee was only an advisory one which submitted its recommendations for the consideration of the Select Committee and of the Government.

Babu DEBI PROSAD KHAITAN: I oppose all the amendments that have been moved. So far as Mr. D. C. Ghose's amendment is concerned I have not the slightest doubt that it was moved by him under a grave misapprehension. This matter, as Mr. Goode has already stated, was fully considered not only at the Corporation meeting but also at the meeting of the Select Committee. So far as what happened in the Select Committee, I cannot disclose because they are of a confidential nature. So far as the Corporation is concerned Mr. D. C. Ghose will probably remember that this question was considered and according to their decision the wording that Mr. D. C. Ghose now suggests conveys an ambiguity, viz., that it may mean that on original improvement not only one lakh of rupees should be spent annually but also the present income derived from the Maniktala municipal area and that whatever may have to be spent on ordinary municipal services would have to be found from either the increased income of the Maniktala area or from the revenues of the Calcutta Corporation. Certainly that is not the intention of Mr. D. C. Ghose nor was it the intention of the Corporation when they accepted the statutory liability of spending one lakh of rupees. The matter having been fully considered and in order to remove any ambiguity that might arise, it was decided not to have those words, and so those words do not find a place in the present clause 96B. I do not think Mr. D. C. Ghose intends that the Corporation should carry on the ordinary municipal services out of the revenue derived from Calcutta and also spend the present income derived from the Maniktala municipality plus one lakh of rupees on original works of improvement in that area. I do not think Mr. D. C. Ghose intends that. I therefore oppose that.

So far as Mr. S. Mahboob Aley and Babu Hem Chandra Nasker are concerned, I oppose them because they are all of too ambitious a nature. When the proposal of including the Maniktala municipality was made some of the residents of that area raised an objection, but the Corporation thought that the inclusion of the municipal area was desirable for the expansion of Calcutta and for the purpose of improving the Maniktala municipal area and to show their *bona fides*, and to remove any suspicion, the Corporation consented to accept a statutory liability to spend one lakh of rupees out of its own revenue on original works of

improvement in the Maniktala area. And now to say that three lakhs of rupees should be spent is absurd as the present income of the Maniktala municipality, as has been observed by Babu Amulya Dhone Addy, is very much less than that sum. The suggestion contained in the amendment is a very ambitious one and I do not quite understand how the movers could make up their mind to come before the House seriously with the proposal that the Calcutta Corporation should be obliged to pay three times what they have consented to spend. It is quite clear that the Corporation realize their responsibility and it must be remembered that when the suburban areas were included in the past the Corporation spent sixty lakhs of rupees instead of three lakhs of rupees which was the statutory liablitiy. So I hope that the movers will have some confidence in the Corporation and will not press their amendments.

Rai JOGENDRA CHANDRA GHOSE Bahadur: When the matter of the amalgamation of the Maniktala municipality came before this Council, I was of opinion that they might be given three lakhs of rupees a year. I did not think at the time that the Cossipore-Chitpur municipality and the Garden Reach municipality would be amalgamated with the Calcutta Corporation. Now, Sir, we, the ratepayers of Calcutta—we, the residents of Calcutta—know that the Calcutta Corporation is not able to carry out its obligations to us. We do not get water on the first floor. They are bound to supply water to us. Before the Calcutta Corporation takes all the liabilities of those municipalities upon its shoulders, they ought to discharge its duties and liabilities to us, the ratepayers of Calcutta. I therefore think the Corporation has swallowed more than it can digest. It may be that we shall suffer for it. Therefore, I cannot under the circumstances support that three lakhs of rupees should be granted to the Maniktala municipality. I am really surprised also at the terms of Mr. D. C. Ghose's amendment. He says that one lakh of rupees should be spent in addition to the income derived from the said area, that is to say, a lakh of rupees and the whole of the income and no expenses! That is a sort of arrangement to which I say the residents of Calcutta have every right to object. I support the amendment for the grant to Cossipore-Chitpur municipality, but that also ought not to be over and above the gross income. It ought to be over and above the nett income. Lastly, I was surprised to hear from an Hon'ble member that Calcutta is expanding a lot and the Garden Reach municipality has no claims upon it. I disagree with that proposition. The natural expansion of Calcutta should be east and towards the south.

I would not have taken in the Garden Reach municipality, but when it has been taken in I hope its claims will also be considered, but I do not agree that a lakh of rupees should be given to them. What I suggest is that Rs. 50,000 should be given to them over and above their income.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I did not wish to take part in this debate, but I am sorry to find that a certain set of argu-

ments is advanced when something is to be done and which are thrown aside when it is not convenient to accept them. The Boundaries Commission presided over by Mr. Das recommended that the Maniktala municipality should be taken in and they also recommended that there should be a statutory liability to spend three lakhs of rupees a year on improvements in that area. Those recommendations must be accepted as a whole if they are to be accepted at all. When they say that Maniktala should be included, you accept their recommendation, but when they say that you must spend three lakhs of rupees you do not accept their recommendation and say that you are not bound to accept their recommendation because it is only an advisory committee. But I say that you ought to accept the recommendations as a whole and when you refer to their recommendation you must refer to them as a whole. When you have taken over these municipalities you must spend sufficient money to improve them. If you cannot improve them then what is the good of taking them over and refusing the adequate share that is required for their improvement? Of course there is the proposal to spend one lakh of rupees for ten years, but that is a very long time during which the people living in those localities will have to remain as they are now because this one lakh of rupees is not very sufficient to bring about an improvement. Then it is argued that the people of the Maniktala municipality did not object to the inclusion of their area within Calcutta, but they agreed on certain conditions. Some of them surrendered without any condition and some of them laid down the condition that a certain sum of money should be expended for their improvement. These are the arguments that were advanced for the inclusion of the municipality. Now you have forgotten all that and say that you are not going to accept the condition. You should have considered all these things beforehand, and if you cannot accept the condition, you should not have included the Maniktala municipality within Calcutta.

Babu SURENDRA NATH MALLIK: I am very sorry that my friend, Khan Bahadur Maulvi Wasimuddin Ahmed, has said all this without knowing the real situation. Nobody has ever said that Maniktala was going to be taken on condition that we accepted a liability of three lakhs of rupees to be spent on that area. This is purely an imagination. The Bill before you says—

96B. The Corporation shall, beginning from the third year after the commencement of this Act, spend annually for 10 years a sum of not less than one lakh of rupees on the execution of original improvement works within the area which formed the Maniktala municipality before the commencement of this Act.

Where on earth do you get this three lakhs of rupees and the Minister's promise? If anybody has got anything to say against the Minister for other reasons, let him do it but why fasten this upon him? My friend, Babu Surendra Nath Ray, started this idea by saying that the Minister said this. I do not hold any brief for the Minister because he is strong enough to defend himself. The people were practically

agreed that Maniktala should be included but inasmuch as the people of Cossipore-Chitpur were against their inclusion, the Minister said that he was not prepared to accept the proposal. This is a new story altogether. It is no good saying that we have accepted this and that. As a matter of fact, Mr. Goode tried his best to get this money secured for the Maniktala municipality as a statutory liability. But is one lakh of rupees for the execution of original improvements works sufficient? You will have to spend lakhs and lakhs over that but you cannot take the statutory liability up to that extent. The minimum liability has been fixed at one lakh of rupees and if that is not spent, Government will come down on us. I would ask Khan Bahadur Maulvi Wasimuddin Ahmed to remember that when the Corporation took over the added area, which is now Bhowanipore, Ballygunge, right up to the fringe area, they took over an area of 12½ square miles and the statutory liability for that area was fixed at three lakhs of rupees. Now Maniktala has an area of 3 square miles and you want a statutory liability of 3 lakhs! There ought to be some sense in the proposal. Babu Hem Chandra Nasker says that three lakhs of rupees should be spent. I can understand him: he is a Maniktala man, and if I was in his position I would have also pressed for that, but it is not for the members of the Council to take up that attitude. Therefore, we have agreed to accept a statutory liability of one lakh of rupees. But I may remind you that when we took up the added area of 12½ square miles our statutory liability was three lakhs of rupees a year for ten years, but instead of spending only Rs. 30 lakhs during that period the Corporation spent Rs. 62 lakhs. My friend Rai Bahadur Jogendra Chunder Ghose knows how much money has been spent on Harish Mukherjee and other roads. It will be seen that the Corporation have spent in 30 years not $30 \times 3 = 90$ lakhs but a good deal more: it will be nearly six crores. These promises mean nothing. Anybody who knows how work is done in the Corporation will at once realize that these statutory liabilities are nothing. Take, for instance, the case of water-works extension. For this alone you will have to spend two to three lakhs of rupees a year. There is, therefore, nothing in this except to create a difference and go to the lobby. We shall treat them as our own parts. Leave it to us, leave it to the good sense and the sense of justice of the Corporation. As we have taken over the Maniktala municipality, we have provided for a statutory liability and in all fairness we shall see that at least this amount is spent.

As regards Garden Reach, I want to say a few things to my hon'ble friend over there, Mr. Stuart-Williams, and if after hearing me he insists on his motion, well then that is a different matter. If not, I would ask him to withdraw. First of all, so far as Garden Reach is concerned, we did not take it into our consideration when we took up the new water-works extension scheme. The result is that it will be necessary—from the rough estimate that we have had from our Chief Engineer—to spend about six or seven lakhs of rupees more for taking the main

pipe from Pulta to Talla. That will go to make up seven lakhs of rupees and possibly the Chief Engineer is also of opinion that it would require a new zone main for taking it right down to that place. That, he says, will cost about 10 to 12 lakhs more. Then there is another fact, and it is this: you know that a sewerage system is absolutely necessary and without which, at any rate in our country, no improvement can be said to be an improvement at all. To make a sewerage scheme, we may have to find out a new outfall. I do not know how much that will cost. If we have got to take to the Palmers Bridge Outfall Station, that will alone cost Rs. 20 lakhs. Therefore, even if you have to introduce filtered water, that will in itself cost 12 plus 7 that is Rs. 19 lakhs. Therefore, it is useless asking us to spend only a lakh of rupees. We are bound to spend more for you, and it is natural that the Corporation will be more generous to those who have willingly come to us than to others. If we have got to make a slight alteration in the water-works system, that alone will cost Rs. 20 lakhs which means double of 10 lakhs in ten years. I would therefore ask my friend to consider all this.

As regards Mr. D. C. Ghose's motion, I do not understand what led him to jump on this. He was on the Committee or possibly he was absent from the Committee on that day and he now comes in with this motion :—

> The Corporation shall, beginning from the third year after the commencement of this act, spend annually for ten years on the execution of original improvement work within the area which formed the Maniktala municipality before the commencement of this Act, a sum of not less than one lakh of rupees in addition to the income derived from the said area.

Now, the income is bound to go up and on original works we shall have to spend one lakh plus whatever the income might be—it may be six lakhs, eight lakhs, or ten lakhs. We go on spending in geometrical progression. No Corporation in the world can do that. It means that if the income of the municipality in one year is six lakhs of rupees then we will have to spend six lakhs of rupees plus one lakh, and in another, if it is eight lakhs of rupees then we will have to spend that amount plus one lakh! That is impossible. After all it is a quetsion of money. Without money no improvement can be effected. Give me sufficient money, and if you so desire, I can strew the streets of Calcutta with thick leaves of gold.

I accept this section 96B as it stands in the Bill. The matter has been fully explained by Mr. Goode and I do not think any interference is called for.

Mr. S. W. GOODE: I think Government must support Mr. Stuart-Williams' proposal to provide a statutory obligation in respect of Garden Reach also. Similar provision has been made in respect of Maniktala and Babu Surendra Nath Mallik himself has proposed it in respect of Cossipore-Chitpur, and it seems only fair that all these added areas should be treated equally. Babu Surendra Nath Mallik's main objection to Mr. Williams' proposal is that the Corporation must inevitably spend

considerably more than one lakh of rupees per annum on Garden Reach, but nevertheless I think the Garden Reach people will probably be better satisfied if they have it in black and white that the Corporation will have to spend one lakh of rupees a year. Therefore, on behalf of Government, I desire to accept Mr. Williams' amendment.

Mr. S. Mahboob Aley's amendment was then put and lost.

Babu Hem Chandra Nasker's amendment being consequential was covered by the above decision.

Mr. D. C. Ghose's amendment was then put and lost.

Babu Surendra Nath Mallik's amendment was then put and agreed to.

Mr. S. C. Stuart-Williams' amendment was then put and a division taken with the following results:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ali, Mr. Syed Nasim.
Ali, Munshi Ayub.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Bentley, Dr. C. A.
Bhattacharji, Babu Hem Chandra.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Ramatjan.
Das, Babu Shishmadev.
Deare, Major-General S. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Mr. Ajoy Chunder.
Emerson, Mr. T.
Farooqui, Mr. K. G. M.
Forrester, Mr. J. Campbell.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Huq, Maulvi Ekramul.
Karim, Maulvi Fazlal.
Khan, Babu Debendra Lal.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Mottra, Dr. Jatindra Nath.
Mukerjee, Mr. S. C.
Mukherji, Professor S. C.
Nasker, Babu Hem Chandra.
Rahim, the Hon'ble Sir Abdur-.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Mr. Krishna Chandra.
Rishi, Babu Rasik Chandra.
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. C. N.
Roy, Mr. J. N.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. Hassan.
Villiers, Mr. F. E. E.

NOES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ali, Mr. Syed Erfan.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Rai Harendranath.
Cohen, Mr. D. J.
De, Rai Bahadur Panchanan.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Mr. D. C.
Khaitan, Babu Devi Prosad.
Mallik, Babu Surendra Nath.
Mukhopadhaya, Babu Sarat Chandra.
Raheem, Mr. Abdur.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Jogendra Nath.
Roy, Babu Nalini Nath.
Sen, Babu Mani Lal.
Suhrawardy, Mr. Hoseyn Shaheed.

The Ayes being 56 and the Noes 20, the motion was carried.

Mr. PRESIDENT: The word "and" in the beginning of Babu Surendra Nath Mallik's amendment carried previously will, of course, be removed.

Mr. S. W. COODE: One point arises. I am informed that there is now no South Barrackpore municipality but that South Barrackpore has been formed into Barrackpore and Kharda municipalities. The other members of the House have more local information on the subject than I have. Would any hon'ble member kindly inform me?

Mr. PRESIDENT: This point may be raised when the Council reaches clause 244.

Babu JATINDRA NATH BASU: Clause 61 provides for the appointment of certain superior officers of the Corporation. The officers that are named in the clause are the Chief Executive Officer, Chief Engineer, Chief Accountant, Health Officer and Secretary. In paragraph 2 of this clause it is stated that the Corporation may also appoint, for such periods as they think fit, not more than two Deputy Executive Officers, and may fix their monthly salaries and allowances. My amendment seeks to delete the second paragraph which provides for the appointment of two Deputy Executive Officers. I propose this amendment because it is not necessary to provide in this Bill for the appointment of an officer of this class. For instance, if you want a Deputy Engineer or an Assistant Engineer or an Engineer in charge of water-works or of drainage, you do not provide for them in the Act. The Corporation has the power to appoint these officers. As regards the Accountant, they may require a Deputy Accountant, and so in respect of the Health Officer, the Corporation may require a Deputy Health Officer. As a matter of fact about 15 or 20 years back, there was a Deputy Health Officer, but this appointment was not mentioned in the Statute. So there is no occasion for the Deputy Executive Officer being mentioned in the Statute, because there are no statutory functions to be exercised by these officers. Under clause 11 of the Bill the Chief Executive Officer will have the power to delegate to any officer of the Corporation any of the powers that are vested in him under this Bill. Therefore, he may delegate his power either to the Deputy Executive or to the Assistant Executive Officer or to whatever other officer he thinks most convenient for the transaction of business. Why should a statutory sanction be given only in the case of these two Deputy Executive Officers? Suppose an Assistant Health Officer or a Deputy Accountant or a Deputy Secretary or an Assistant Secretary is required, why are they not mentioned and why should the Deputy Executive Officers alone should be mentioned?

Dr. PRAMTHANATH BANERJEA: I movt that in clause 61 (*1*), paragraph 2, line 2, for the words "not more than two" the letter "a" be substituted and for the word "officers" in line 3 the word "officer" be substituted.

My object in moving this amendment is that I want to reduce the number of Deputy Executive officers. In these days of economy and retrenchment we should have as few highly-paid officers as are absolutely necessary for the purpose of carrying on the administration of the Corporation. I know that the work of the Chief Executive Officer will be very much lighter in future than it is at present, in view of the fact that a considerable part of his duties will be taken over by the elected Mayor, I do not think that it will be necessary for the Chief Executive Officer to be assisted by two Deputy Executive Officers. I think that one Deputy Executive Officer will be quite able to perform the duties. I therefore suggest that the number be reduced from two to one.

Rai Dr. HARIDHAN DUTT Bahadur: I move that in clause 61(*1*) for the second paragraph thereof, the following be substituted:—

> "The Corporation may also appoint, for such period as they may think fit, a Deputy Executive Officer, and may fix his monthly salary and allowances."

My object in moving this amendment is simply to reduce the number of Deputy Executive Officers from two to one. I understand that the purpose of my friend, Dr. Pramathanath Banerjea, is practically the same although he has put it in different words. In justification of what I have proposed here I would point out that up-to-date there were two officers in the Corporation, viz., the Vice-Chairman and the Deputy Chairman, which posts are now proposed to be occupied by two officers who would be called Deputy Executive Officers. It might be asked why then, knowing that there are two officers who are paid high salaries by the Corporation, I am proposing the reduction of the number. I would explain my point.

During the last few years, especially during the last ten years, I may say that the Corporation has developed a method of doing their work by means of committees. Before the days of Sir Charles Allen, there are very few committees and naturally the then Chairman had to give a very small amount of his time for the purpose of presiding over committees. Since the days of Sir Charles Allen, the committees have multiplied and have become very large in number. During the last five or six years the number of committees have multiplied to such an extent that my friend, Babu Surendra Nath Mallik—I am sorry he is not present here—will corroborate me when I say that at least half of his energy and half of his time nowadays is taken up by committees. Some of us, municipal commissioners, who are associated with him in this work, know full well that from half past three in the afternoon to 6 or 6-30 P.M., or even later we have to sit in committees, over almost all of which the Chairman has to preside. Only during the last year,

the Corporation introduced an innovation in having some of these committees without the Chairman as a member. The result was that the Chairman was relieved to a certain extent, but even now the Chairman, as I have already said, has to give about half of his time to the management of these committees. This Bill seeks to introduce a different method altogether. The Corporation is now going to be a separate body and the Executive Officer is to be the head of the Executive. The Corporation will be presided over by the Mayor and the Mayor will be presiding at the meetings of the Corporation and there would be Presidents for different Standing Committees and that presidentship will go to the members now and not to the Chief Executive Officer. That being so, I respectfully point out to the Minister and to everyone concerned that there would be a material difference between the present state of affairs and what would subsequently arise. That being so I hold that much of the time of the Chairman or the Chief Executive Officer will be saved. That is one of the principal reasons why I thought that instead of having three heads in the Corporation viz., the Chairman, the Deputy Chairman and the Vice-Chairman, we might take advantage of the altered situation and reduce the number to two, viz., the Chairman and the Vice-Chairman or if you wish to call them, the Chief Executive Officer and the Deputy Executive Officer. My friend, Babu Jatindra Nath Basu, has altogether tried to do away with the Deputy Executive Officer. I would point out that there is at least one important business which must be delegated to the Deputy Executive Officer, viz., the trying of assessment cases. These assessment cases are very large in number and require a large amount of time for their disposal. At the present moment, Calcutta is divided into North and South portions and the Vice-Chairman and the Deputy Chairman divide the work between them. As I have already pointed out if the Chairman is relieved of these duties in connection with committees and if the work is readjusted between the different officials, it would be possible to do the assessment work with the help of one Deputy Executive Officer. By this we make a saving of no less than a sum of Rs. 17 or 18 thousands, leaving aside his office and other appurtenances. The Corporation is going in for retrenchment. Retrenchment in clerks or duftries is no good. This is the opportunity. If you want seriously to help the Corporation in the retrenchment work, well, I point out that this is the occasion when you can do so. This matter, I would once more point out, was before the Municipal Bill Committee and the Municipal Bill Committee agreed with the views which I am now asking you to accept. It was subsequently in the Corporation by mere snatch voting that two Deputy Executive Officers were retained. I wish that members of this Legislative Council will dispassionately go into this matter and look into this from the point of view which I have explained to them. If it be possible to give the Corporation a chance of saving Rs. 1,500 or so a month, I hope that it will be done.

Babu JATINDRA NATH BASU: I beg to move that in lines 2 and 3 of the proviso to clause 61(*1*), for the words "officers referred to in this sub-section" the words "Chief Executive Officer, Chief Engineer, and Health Officer" be substituted.

The amendment seeks to make an alteration in the proviso 61(*1*). Under this clause the Corporation is authorized to appoint some of its principal officers. The proviso to the clause states that the appointment, salary, allowance and conditions of service of the officers referred to in this sub-section and any action taken by the Corporation with a view to the termination of their appointments shall be subject to the approval of the local Government. In these days of decentralization, we should confer as much power as possible on the Corporation. I have, therefore, suggested that as regards Government sanction the officers who should be included in this proviso should be only the Chief Executive Officer, the Chief Engineer, and the Health Officer, because these are officers who are specialists and in many cases have to be obtained from outside India. It is, therefore, probably necessary for the present that the Government should have a voice in the conditions of their employment. But why should you include the Chief Accountant and the Secretary in this proviso? Why make the conditions of their appointments subject to the sanction of Government? You can have a very good Accountant here and you can also get a very good Secretary locally; the Corporation should be the final authority to decide the conditions upon which they should be employed. On these grounds I move the amendment that stands in my name.

Mr. D. C. GHOSE: I am afraid I must oppose the attempt either to do away with the Deputy Executive Officers or to reduce their number. With all respect to my friends Babu Jatindra Nath Basu and Dr. Pramatha Nath Banerjea, I am afraid I must say that they are not familiar with the work that is done in the Corporation office. The work there is very, very heavy and having regard to the fact that we have added huge areas to the limits of Calcutta that work is going to be enormously increased. Therefore, without two Deputy Executive Officers, it will be absolutely impossible for the Chief Executive Officer to transact business properly. He must delegate many of his functions to these Deputy Executive Officers. As Rai Dr. Haridhan Dutt Bahadur has said, in the Corporation by a very narrow majority the posts of two Deputy Executive Officers were recommended to be retained in the Bill. But the Corporation had not in mind then that enormous areas were going to be added. Now that Cossipore-Chitpur, the whole of Garden Reach including the Dock areas and Maniktala have been added to the limits of Calcutta, I think that the posts of two Deputy Executive Officers ought to be retained and we ought not to interfere with the provision in the Bill.

Babu AMULYA DHONE ADDY: I entirely agree with Mr. D. C. Ghose that the posts of two Deputy Executive Officers should be retained at present. We have now got a Deputy Chairman and a Vice-Chairman, and as we are going to increase the area of Calcutta by the inclusion of Maniktala, Cossipore-Chitpur and Garden Reach municipalities, it is right and just that the services of these two officers should be retained. It has been said that some retrenchment should be made by the reduction of at least one of these officers. I beg to submit that if this course is taken, it will seriously affect the efficiency of municipal administration of Calcutta. This suggestion was made by Dr. Dutt in the Select Committee and it was not accepted by that Committee; but as regards the amendment of Babu Jatindra Nath Basu I will strongly support it because it appears that it is only in the case of the Chief Executive Officer, the Chief Engineer, and the Health Officer that the decision of the Corporation should be subject to the approval of Government. I understand that this is in accordance with the provisions of the existing Act.

Babu DEBI PROSAD KHAITAN: I regret that the debate on the provisions of this Bill has been carried on under a misunderstanding of the whole of clause 61. The necessity for mentioning certain officers in sub-clause (*l*) of clause 61 was not whether the Corporation, irrespective of this clause, had the right to appoint officers or not, but the necessity of naming certain officers in clause 61, sub-clause (*l*) is due to the proviso which governs both the paragraphs preceding it, viz., that the appointment, salary, allowances and conditions of service of the officers referred to in this sub-section and any action taken by the Corporation wtih a view to the termination of their appointment shall be subject to the approval of the local Government. Therefore, in considering the amendments that have been placed before this House, the whole crux that should decide the issue is what officers to be appointed by the Corporation should be allowed to remain subject to the control of the local Government, by which I mean which officers' appointments, salaries, allowances and conditions of service and termination of their appointments should be under the control of the local Government, and whatever officers this House decides not to leave under the control of the local Government but to the absolute discretion of the Corporation, their names have got to be left out of clause 61. The Bill, as originally drafted, left the Chief Executive Officer, the Chief Engineer, and the Health Officer, and not more than two Deputy Executive Officers under such control of the local Government. Subsequently, the words "Chief Accountant and Secretary" were added not because it was the desire of anybody to place their services in the same position as regards the local Government as the Chief Executive Officer, the Chief Engineer and the Health Officer, but simply because the words "Chief Accountant and Secretary" found a place in some clauses of the Bill. It was forgotten that it was because of the proviso that certain officers were named in this

clause. If the amendment of Babu Jatindra Nath Basu, viz., the Chief Executive Officer, the Chief Engineer, and the Health Officer be adopted in the proviso, then it is absolutely immaterial what happens to the other amendments, because the Corporation have always got the right to appoint one or more officers and they need not appoint two Deputy Executive Officers although the words occur there. The whole crux of the decision rests on the amendment moved by Babu Jatindra Nath Basu. If that be not accepted by the House, then it will be for the House to consider whether they are willing to place the appointment and termination of the appointment of one or two Deputy Executive Officers under the control of the local Government. There is no reason whatsoever why the appointment and dismissal of the Chief Accountant and Secretary and more than one Deputy Executive Officer should be under control of the local Government. Even at present, it is only the appointment and dismissal of the Deputy Chairman that is under the control of Government, and there is no reason whatsoever why the interference of the local Government in regard to the other Deputy Executive Officer should be extended. In these circumstances I support the amendment of Babu Jatindra Nath Basu and if that is accepted, it is absolutely immaterial whether the other amendments are accepted or not.

The Hon'ble Sir SURENDRA NATH BANERJEA: I think at this stage I should make a statement on behalf of Government in connection with these amendments. We oppose the amendment for the reduction of Deputy Executive Officers to one. I may point out to my friends that it is quite optional with the Corporation to appoint one or more Deputy Executive Officers. The wording of the section is that the Corporation *may* appoint and, therefore, the discretion is given to the Corporation to appoint only one Deputy Executive Officer if the Corporation thinks fit. If the Corporation, having regard to the volume of work before it, comes to the conclusion that not more than one Deputy Executive Officer is required, surely the Corporation will not waste its funds by appointing a second Deputy Executive Officer. Therefore, I think it is quite clear that that amendment is uncalled for, full discretion being given to the Corporation in this matter. It seems to me that if I may speak as an outsider, two Deputy Executive Officers will be needed. My friend Rai Dr. Haridhan Dutt Bahadur has referred to the separation of the office of Chairman into two branches. At the present moment, the Chairman of the Corporation is president of the meetings of the Corporation and of the Sub-committees of the Corporation, but he will, under this Bill, no longer preside over the deliberations of the Corporation or of those Committees. To that extent relief will be afforded to him, and my friend urges that having regard to the leisure that he will thus command he will be in a better position to attend to his executive duties, and, therefore, a second Deputy Executive Officer will not be needed; but the hon'ble member overlooks the fact that there has been,

as has been pointed out by my friend, Mr. D. C. Ghose, a wide extension of the municipal area of Calcutta which will involve onerous, and restrict the number of Deputy Executive Officers, especially in view of restrict the number of Deputy Executive Officers, epecially in view of the fact that it is in the power of the Corporation to limit the number. Therefore, on these grounds, Government must oppose the amendment.

As regards the second amendment, viz., the removal from Government control the appointment and pay of the Secretary and Chief Accountant. I am prepared to accept it. We cannot accept the amendment as it is. We accept the principle and we shall give you the draft almost immediately.

Mr. S. W. GOODE: What Government would suggest in regard to the amendment No. 203 is that we should make provision for the appointments and conditions of service of the Chief Executive Officer, the Chief Engineer, and the Health Officer, and the Deputy Executive Officer or Officers, but we would accept Mr. Basu's suggestion to remove the Chief Accountant and Secretary from the control of Government. If he would be prepared to accept a compromise on these lines, I would, with your permission, move that the proviso should run as follows:—

"Provided that the appointment, salary, allowances, and conditions of service of the Chief Executive Officer, Chief Engineer, Health Officer, and Deputy Executive Officer or Officers and any action taken by the Corporation with a view to the termination of their appointment shall be subject to the approval of the local Government."

Babu JATINDRA NATH BASU: I would accept the suggestion thrown out by Mr. Goode, and I beg to withdraw the amendment that stands in my name.

The amendment standing in the name of Babu Jatindra Nath Basu was then, by leave of the Council, withdrawn.—

The amendment standing in the name of Dr. Pramathanath Banerjea was then put and lost.

The amendment standing in the name of Rai Dr. Haridhan Dutt Bahadur was then, by leave of the Council, withdrawn.

The following proviso, as modified by Mr. Goode, was then put and carried in place of the existing proviso in the Bill:—

"Provided that the appointment, salary, allowances and conditions of service of the Chief Executive Officer, Chief Engineer, Health Officer and Deputy Executive Officer or Officers, and any action taken by the Corporation with a view to the termination of their appointment shall be subject to the approval of the Local Government."

CLAUSE 62.

Shah Syed Emdadul Haq being absent the following amendment standing in his name was deemed to be withdrawn:—

"That in clause 62, penultimate line, the words "but he shall not vote upon, or make, any proposition at such meeting" be omitted.

CLAUSE 66.

Babu JATINDRA NATH BASU: I move that in clause 66(*b*), lines 2 and 3, for the words "leave allowances, acting allowances, deputation-allowances" the word "allowances" be substituted.

This clause authorizes the Corporation to grant certain allowances i.e., allowances mentioned in clause 66(*b*). But there are many other allowances, for instance, grain allowances during famines, and conveyance allowances for officers who have to do a large amount of outdoor work, and these are not named. The Corporation should have the authority to grant these allowances also. I have, therefore, suggested that instead of naming the allowances specifically, we should give the Corporation power to make rules regulating the grant of leave, allowances generally, pensions, bonuses and gratuities to municipal officers and servants. This avoids the anomaly and will give the Corporation the power which they should have.

The Hon'ble Sir SURENDRA NATH BANERJEA: Government have no objection in accepting the amendment.

The motion was put and agreed to.

Babu SURENDRA NATH MALLIK: I move that in the second proviso to clause 66, line 6, after the word "department" the words "on their paying within six months from the commencement of this Act their share of contribution to the said fund for the said period in accordance with the rules hitherto in force" be inserted.

This has been put in for an obvious purpose. If the officers of the Plague Department want to get the benefit of the Provident Fund, they ought to contribute. I do not think that any further observations are necessary.

The Hon'ble Sir SURENDRA NATH BANERJEA: Government accept the amendment.

The motion was then put and agreed to.

Babu JATINDRA NATH BASU: I move that in clause 66(*c*), line 3, for the word "menials" the word "employees" be substituted.

I strongly object to the use of the expression "menials" with reference to any municipal servant in this Bill. If the expression "employees" is substituted, the Corporation will have the power to make rules as to which class of employees the co-operative credit societies should relate. That will avoid any difficulty as to employees meaning very highly-paid officers of the Corporation, because I believe that the intention of including this special class was that the subordinate staff of the Corporation should have the benefit of co-operative credit societies instead of getting into the hands of Kabulis and other money-lenders. The Corporation may make rules that employees of the Corporation drawing a salary not above Rs. 40, 50, 60 or 75 per month will have the benefit of these societies. I do not think that we should offend any class of employees of the Corporation by calling them "menials." I therefore propose that the word "employees" should be substituted for "menials."

Babu SURENDRA NATH MALLIK: In using the word "menials" no insult was meant, nor was any anticipated. It was merely by way of demarcation that this was done. It is intended for the labouring staff, coolies, methers, etc., for whom we wanted to do something by way of help. Two years ago when the Hon'ble Mr. Donald was Chairman of the Corporation, this question was raised by myself and it was found on a reference to the rules that we had not got the power. That is why we are now taking power to put them within the fold of co-operative societies. That was the idea. At the present time clerks drawing pay Rs. 30 and upwards have got co-operative societies of their own already, so that if you put the word "employees" that would not give the real meaning which we wanted for this particular section of the Corporation's servants. It is these classes of people, namely, the labouring section, methers, coolies and carters, for whom we wish this advantage to be secured. In view of what I have said I do not know if my friend, Babu Jatindra Nath Basu, will still desire that the word should be altered. Some difficulty will exist because we want exactly to find out a term which will convey the meaning that we want it to convey. No doubt "menial" is a word which is not a happy one to have in an enactment, but it is so expressive and so exactly conveys our meaning that I do not think any change is necessary. That is my point of view, Sir.

Babu AMULYA DHONE ADDY: I oppose this amendment. I am sure that it will be a misleading one and that it will be a dangerous weapon in the hands of the Corporation, because if we allow the expression "employees" the officers and the heads of the several departments of the Calcutta Corporation are likely to exercise undue influence over the members of the Corporation. I know of a case in which the fair rent of a house which is in the occupation of some municipal officer

is about Rs. 500 a month, but that building has been let out on a rent equal to 5 per cent. of the salary of that officer which amounts to say Rs. 25 or Rs. 30. Very recently it has been increased to 10 per cent. of the salary.

Babu SURENDRA NATH MALLIK: What has this got to do with the motion under discussion?

Mr. PRESIDENT: You need not go beyond the exact difference in meaning between "employees" and "menials."

Babu AMULYA DHONE ADDY: What I beg to submit is that it is for the coolies and methers of the Corporation that sanitary houses should be built and not for the highly-paid officers of the Corporation.

Babu DEBI PROSAD KHAITAN: I have only one suggestion to make. My friend, Babu Surendra Nath Mallik, has admitted that no insult was meant, and in fact no offence could have been meant in the use of the word "menials," but at the same time, to call a man a menial is rather insulting, and conveys an insulting significance.

Babu SURENDRA NATH MALLIK: One need not call a man by that name.

Babu DEBI PROSAD KHAITAN: I would only suggest that instead of the word "employee" without any qualifications, it may be stated "an employee in receipt of a salary not exceeding Rs. 20 or Rs. 30 per mensem." In this way if we are able to help a clerk it will be doing something for him; although the number of such clerks is few, it does not matter; but the offensive expression will have disappeared. If Mr. Mallik is inclined to accept my suggestion, the difficulty may be solved.

Mr. S. W. COODE: I have little to add to what Mr. Mallik has stated. He has said that co-operative societies are not proposed to be founded for the benefit of the clerks. They have already got their own society and the Corporation relies upon their enterprise and thrift to take the initiative in this direction themselves; but the Corporation desires to assist the menial establishment, such as coolies, sweepers, and so on, in the foundation of a society of this kind.

As regards the objection that has been raised against the word "menial," I consider it to be somewhat hypercritical. The phrase "menial establishment" is a perfectly well-recognized phrase in Government service, and it has been in use for years in the Corporation also. We should prefer on the whole to leave this clause as it is drafted.

Dr. PRAMATHANATH BANERJEA: I do not think any harm will ensue if the amendment of Babu Jatindra Nath Basu is accepted. Here the provision is regarding the making of rules. The section runs thus:—

> The Corporation may, by resolutions, make rules for establishing and aiding in the establishment and maintenance of co-operative societies for the menials of the Corporation.

So if the word "menials" be changed into the word "employees"—for by rules the Corporation may confine the help that they may give only to certain classes of employees—employees drawing Rs. 15 or Rs. 20 per mensem—practically you mean "menial," but avoid the use of the objectionable word. I do not think any harm will ensue. I therefore support the amendment.

Rai Dr. HARIDHAN DUTT Bahadur: I do not find any necessity for changing the word "menials." What is in a name after all? I do not think there is any justification for the discussion that is raging around us in connection with this amendment. Some of my friends have perhaps forgotten that this insertion was due to the desire of certain members of the Corporation to do something to help the sweepers, methers, etc.—people who are at present at the mercy of the Kabulis. To save them from the Kabulis' *zulum* we wanted to do something for them. We found that we had not got the necessary power, and this rule is designed to give us that power. I do not think that our labouring classes have become so civilized as to resent their being called "menials." We are fighting for a class of people who do not require any fighting for. It is only much ado about nothing.

Mr. S. W. COODE: With your permission, Sir, may I suggest, for the consideration of the mover, that the phrase "menial establishment" might seem to be somewhat less blunt than the word "menial"? May I ask whether he is prepared to accept the phrase?

Babu JATINDRA NATH BASU: I am not prepared to accept the suggestion.

The motion was then put and a division taken with the following result:—

AYES.

Ahmed, Munshi Jafar.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Das, Babu Bhishmadev.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Mahramali, Munshi.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Roy, Babu Nalini Nath.
Sarkar, Babu Rishindra Nath.

NOES.

Addy, Babu Amulya Dhone.
Ali, Maulvi Syed Muhsood.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Ramatjan.
Cohen, Mr. D. J.
Das, Mr. S. R.
Deare, Major-General B. N.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Emerson, Mr. T.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Maitk, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. H. C.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherji, Professor S. C.
Nakey, Mirza Muhammad Ali.
Rahim, the Hon'ble Sir Abd-ur-
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. G. N.
Roy, Mr. J. N.
Ray, Raja Manilal Singh.
Sen, Babu Mani Lal.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 17 and the Noes 42, the motion was lost.

The following amendment, standing in the name of Mr. D. J. Cohen, being consequential to the above motion was held to be covered by a previous decision and was not put:—

"That at the end of the second proviso to clause 66 the following be added, namely,—

'on their contributing or subscribing to the Fund such sums as they would have been liable to contribute for the period of their services in the Plague Department in accordance with the then rules of the said Fund.'"

The Council was then adjourned for 15 minutes.

After adjournment.

CLAUSE 79.

Raja RESHEE CASE LAW: I move that for the first five lines of clause 79(2), the following shall be substituted, namely:—

"Every contract for the execution of any work or the supply of any materials or goods shall be in writing and every such contract which will involve an expenditure exceeding one thousand rupees shall also be sealed and shall specify...."

The object of this amendment is that all contracts involving expenditure whether below or above Rs. 1,000 from the Corporation Fund must

be in writing although it might not be necessary to seal such contracts. This is certainly necessary in the interests of the Corporation; for it is an elementary rule which all corporate bodies must observe in all their undertakings involving expenditure so that the conditions might not be varied afterwards.

Mr. S. W. COODE: The object of the Raja Sahib's amendment apparently is that every contract should be in writing and that it should not be sealed only when it is of an amount less than Rs. 1,000. It has always been the practice for every contract to be in writing, and we see no particular reason why the procedure should now be varied. The original section in Bengal Act III of 1899 provides that the contract shall be entered into in such manner and form as would bind the Chairman when the contract is made on his behalf, and it is implied therein that the contract shall ordinarily be in writing. It is also provided that no contract, which is not excluded in that way, shall be valid. On the whole, we think it better to adhere to the drafting of the Bill.

Raja RESHEE CASE LAW: If every contract is made in writing, then I beg leave to withdraw the amendment.

Babu SURENDRA NATH MALLIK: As a matter of fact, every contract is done in writing unless it is for a very petty sum.

The motion was then, by leave of the Council, withdrawn.

CLAUSE 80.

Shah Syed Emdadul Haq being absent the following amendment standing in his name was deemed to be withdrawn:—

"that clause 80(5) be omitted."

CLAUSE 82.

Babu AMULYA DHONE ADDY: I move that in clause 82(2), line 2, for the word "twelve" the word "sixteen" be substituted.

In section 96 of the existing Municipal Act, there is no restriction in regard to the number of members of a standing committee, but, Sir, generally the number is 12, but from time to time it is increased to 15. At present the total number of commissioners is 50; under the Bill it has been increased to 80, and as three municipalities have just been included in Calcutta, most probably the Government will suggest an

increase in the total number of members of the Corporation to 95 or even 100. Therefore, it is desirable to represent the views of all the communities of Calcutta, and especially of the newly-added area that the number of members of the standing committees should be materially increased and I have suggested that the number may be increased from 12 to 16. Under the Calcutta Municipal Act of 1888 when the total number of commissioners was 75, the number of members of the general committee was 18. Under the Bombay Municipal Act the total number of members on the general committee was 12, but it has recently been increased to 16, and fees are paid to the members of the standing committees of Bombay Corporation. In the case of the general committee of the Calcutta Corporation, fees are paid and at present the attendance has been very regular, but in the case of the standing committees the members of which are not entitled to any fees, I am really sorry to state, the attendance is not so regular. Under the Bill no fees will be paid to any member of a standing committee, therefore, it is desirable that the number of members should be increased, otherwise I am afraid there will generally be no quorum. I do not think there will be any harm in increasing the number as I have already said that no fees are payable to these members.

Mr. D. J. COHEN: I oppose the amendment. I cannot understand the reasoning of the member that because the number of commissioners is going to be increased from 50 to 80, therefore, we need increase the number of members of each of these standing committees from 12 to 16. Twelve is a large number and under this Bill we have power to co-opt any number of members. I do not think it would be wise for the House to accept the amendment of Babu Amulya Dhone Addy.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I desire to oppose this amendment. I do not in any way exaggerate matters when I say that the most efficient and the most businesslike committee of the Corporation is the General Committee which consists of 12 members and no more. There is no restriction as regards the number of members in the other committees. My friend fears that having regard to the expansion of the territorial limits of Calcutta there would be members who might not find a place on these committees. I think there need not be any cause for this apprehension, as committees would have to be formed in connection with the newly-added areas and members would find work on these committees. My friend says that unless we add to the number of members, it may be difficult to get a quorum. My view is just the other way. Everybody's business is nobody's business. The larger the committee, the less the sense of responsibility and consequent irregularity of attendance. That being so, after what I have said, I trust the hon'ble member will not press his amendment.

Mr. J. CAMPBELL FORRESTER: I am not sure whether there is a quorum.

[On a count being made, it was found that there was a quorum.]

Mr. PRESIDENT: There is a quorum; I hope members will realise that this is a very important Bill, and it is absolutely necessary to get it through.

The motion of Babu Amulya Dhone Addy was then put and lost.

Babu AMULYA DHONE ADDY: I move that in clause 82(2), line 4, for the word "two" the word "three" be substituted.

Under sub-clause (2) no Councillor or Alderman shall at the same time be a member of more than two standing committees and the district committee. I beg to submit that under the present practice in the Corporation, a commissioner is allowed to be a member of three standing committees as well as the district committee, so that he is allowed to serve on four committees including the district committee. But under the Bill it is proposed that he will be allowed to serve on three committees including the district committee. What I beg to submit is that if you make this distinction, it will debar a large number of members of the Corporation from serving on a standing committee. That is the reason for my amendment.

Babu SURENDRA NATH MALLIK: I am sorry to oppose this amendment for the reason which is known to the member who has moved this amendment. After the inclusion of these three municipalities, we have got to increase the total number of commissioners, and if at the same time you increase the number of committees a member can serve on, from two to three, the result will be that some of them will not have any chance of getting in anywhere, and I do not think it would be proper for me to accept three in place of two. Two will give a chance to everybody, but if it is increased to three, you reduce the chance. Then again, at present members get elected to three, and even four, five and six committees with the result that they cannot always attend. I do not think this is desirable.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I must oppose this. My friend to my left has urged that if the amendment is accepted, it would restrict the number of members serving on these committees. I have another reason somewhat of a political nature, as, I am afraid, my mind is cast in a political mould. I abhor autocracy in democratic institutions. I have in mind a particular institution with which my friend to my left is quite familiar, where a particular gentleman, a very able man and of wide knowledge and experience, is at present a member of every committee one can think of. We must not have that sort of thing in the Corporation. I

may just point out to my friend that we have a rule here that members cannot serve on more than two standing committees, and that rule has been introduced in the Bill. I hope my friend, after what I have said, will see his way to withdraw his amendment.

The amendment was then, by leave of the Council, withdrawn.

Mr. D. C. GHOSE: I move that in clause 82(8), the first proviso be omitted. That proviso runs as follows:—

> "Provided that the President of the meeting, with the consent of two-thirds of the members present, may direct that action be taken in accordance with the decision of any standing committee without waiting for confirmation of their proceedings by the Corporation, if he considers that serious inconvenience would result from delay in taking such action; but if the Corporation do not confirm the proceedings of the standing committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable."

I venture to think that this proviso, if retained, will cause a great deal of confusion. It very often happens that when the proceedings of a committee are before the Corporation, they are referred back for further consideration, and sometimes they are altered and revised and sometimes, of course, they are confirmed. Now it may happen in the case of action taken in response to the decision of a standing committee, under the orders of the President, that the Corporation may take a different view and then the Corporation will either order that the work done shall be stopped, or that something should be done to undo the mischief which has resulted from action taken in accordance with the decision of the committee. This will cause a great deal of delay and dislocation of work, confusion and loss of money. And in our experience of the Corporation—I think the Chairman will bear me out—we have never felt the necessity of a proviso like this. Therefore, I submit, that this proviso should be omitted. The Corporation, further, has not asked for a proviso like this.

Babu SURENDRA NATH MALLIK: I must confess that there is a good deal of truth in the apprehension which has been voiced by my friend, Mr. D. C. Ghose. The section as it is at present is quite different and some words make the meaning altogether different. It is said here "provided that the President of the meeting, with the consent of two-thirds of the members present may direct that action be taken in accordance with the decision of any standing committee." At present we have "provided that if the Chairman concurs in any action recommended by a majority of the members of any sub-committee, whether or not he is a member of such sub-committee, and considers that inconvenience would result from delay in taking such action, he may take

such action without waiting for confirmation by the general committee of the proceedings of the sub-committee."

That makes it very different, Sir, and I think I must say I share the apprehension of my friend that, as it is, this proviso will be rather difficult for the Corporation to work. I know it is laid down here "with the consent of two-thirds of the members present," the President may direct action to be taken. That is a safeguard indeed, but as this is a totally new provision, I am not in a position to say that I can accept it on behalf of the Corporation. In that view I think I should support my friend, Mr. D. C. Ghose.

The Hon'ble Sir SURENDRA NATH BANERJEA: In view of what has fallen from the acting Chairman of the Corporation and also what Mr. D. C. Ghose has observed, Government are prepared to support the amendment. There are the necessary safeguards, namely two-thirds of the members present and the President also must give their vote. There are these safeguards and a further safeguard is that the power is only to be used on emergent occasions, and as a matter of practice I learn that it has never been requisitioned. That being so, I do not think we need have this proviso. I therefore accept the amendment.

The motion was then put and agreed to.

The following amendment standing in the name of Mr. D. C. Ghose being consequential on the above amendment was put and agreed to.

"That in line 1 of the second proviso to clause 82(8) the word 'also' be omitted."

Babu DEBI PROSAD KHAITAN: On behalf of Rai Dr. Haridhan Dutt Bahadur I beg to move that after clause 82A the following new clause be inserted: —

Appointment of School Committee.

"82AA. The Corporation shall appoint a school committee consisting of tha Executive Officer as President, nine Councillors and Aldermen to be elected by the Corporation; the Inspector of Schools, Presidency Division, and another officer of the Education Department to be nominated by the Government of Bengal to advise the Corporation in regard to all matters connected with primary education in the city and to carry out their directions in that behalf."

It is well known to this House that the Corporation of Calcutta has undertaken the spread of primary education in the city. It is a very salutary act that the Corporation has undertaken, but there seems to be need for the appointment of a statutory committee to look after the

spread of primary education. Government may consider whether provision should be made for giving power to the committee to co-opt other members or not, and if the Government consider that the provision for co-opting other members should be included, I shall be prepared to accept it. With these words I move that this clause be added.

Babu SURENDRA NATH MALLIK: It seems that the principle underlying this amendment is a sound one and at the present moment we are working on that basis. For the last few years there has been a committee of the Corporation working on these lines, and the only trouble about it is that it has got no statutory existence. Under the present Act we cannot have a committee consisting partly of members of the Corporation and partly outsiders. It is only to regularize that sort of thing that the new Education Committee is necessary as we have got to get educational officers to advise us; and I may say that it is to be of the greatest use to us in connection with primary schools that have been started in this city that this amendment has been brought in by Rai Dr. Haridhan Dutt Bahadur who takes a keen interest in matters of primary education in this city. It may be said that there is a provision in the new Act for having standing committees. The only question is whether in these committees we can have outsiders to work with us and if it is considered that we can have outsiders to work with us, then nothing more need be said. In the interests of these schools and in order to obviate any difficulty in regard to this matter, which we consider to be highly important in connection with primary education in this town, I think we ought to have provision to this effect.

Mr. D. C. GHOSE: I support this amendment. It is very necessary; we sometimes want the assistance of experts who are not on the Corporation to come and help us with their advice, and with regard to this committee, unless there is a statutory provision, we cannot always have the assistance of these educational experts. I therefore entirely agree with my friend that the provision is necessary.

Dr. PRAMATHANATH BANERJEA: I am in sympathy with the principle of this amendment and I believe Government is going to accept it. But I do not see why the Executive Officer should be the President of such a committee. An educational expert member, Councillor or an Alderman, may be elected President of that committee; so if Government is going to accept this amendment, I would ask the Hon'ble the Minister to delete the words "the Executive officer as President."

The Hon'ble Sir SURENDRA NATH BANERJEA: Sir, will you kindly postpone this until we have drafted a provision, a section embodying the principle on somewhat different lines from the amendment?

Babu SURENDRA NATH MALLIK: In that case, may I venture to suggest to the Hon'ble the Minister that he might make a provision for

co-opting some members of the public, because there are several respectable members of the public who are keenly interested in matters educational who will be of very great use to us in extending the primary education scheme.

Mr. PRESIDENT: Will you be able to draft it to-day? We can take it up in an hour's time.

The Hon'ble Sir SURENDRA NATH BANERJEA: Yes.

Mr. PRESIDENT: As a matter of phraseology I would point out that the gentleman who presides over a committee is usually known as the Chairman.

Babu JATINDRA NATH BASU: I move that at the end of clause 82 (*2*) the following be added, namely: —

> "and six persons associated by each district committee, provided that such associated members shall be appointed every year and shall hold office for one year and shall not be entitled to vote."

Clause 82A provides for the division of Calcutta into districts. We have added a large area to Calcutta, and in ordar that the farthest parts of Calcutta might have proper attention, it is only necessary that it should be divided into districts. This clause further provides that the Corporation may appoint a standing committee for each district, to be ordinarily called the district committee, and that the district committees should have such functions, powers and duties, as the Corporation might thiuk fit, relating to matters affecting their respective districts. As regards the constitution of the district committees sub-clause (*2*) of clause 82A provides that each such district committee shall consist of all the councillors for the several wards comprised in each district and any Alderman or other councillor living within the district and expressing his willingness to serve on such committee. One of the objects of this Bill should be train the citizens of Calcutta in the exercise of their civic responsibilities. This clause gives an indication that having regard to the size of Calcutta, we shall ultimately have to adopt the borough system. The addition, suggested by me to sub-clause (*2*) about the constitution of the district committee is this. Apart from the Aldermen or other councillors who reside in those districts the district committee should have the power to co-opt or associate six persons provided that such associated members shall be appointed every year and shall hold office for one year and shall not be entitled to vote. That will train the local people to exercise some of the functions that a district committee will ordinarily perform. It will also create in the local people a desire to serve their own localities. District committees will ordinarily deal with local roads, local conservancy, local water-supply

and things of that nature, and if they co-opt people of that locality as members, these people will be able to give the district committees valuable advice for their particular districts. It will not interfere with the constitutional part of the Act inasmuch as I do not provide that the members so associated will have the right to vote. They will simply give their advice and take part in the debates. There is a provision in this Bill in clause 83 giving power to the Corporation to associate members, but that power is only confined to the association of members in special committees. That means that when you have a committee of specialists, for instance, to consider any new water system, or drainage system you associate some specialists in the special committees. But that provision does not cover the association of local people in the matter of the consideration of the ordinary affairs of the several districts. That is why clause 83 does not cover the contingency which I have sought to provide for. With these remarks and having regard to the importance of the spread of the civic sentiment amongst the people of Calcutta, I would ask the Hon'ble the Minister in charge to consider whether he should not accept the amendment proposed by me, as the borough system is bound ultimately to come to Calcutta.

Babu DEBI PROSAD KHAITAN: The reason that has actuated my esteemed friend Babu Jatindra Nath Basu to move this amendment is certainly very praiseworthy, but I am doubtful whether the power to associate outside members to district committees should be extended to as many as six. We have also got to consider that the district committee should not become a cumbrous body, and further that the deliberations of the district committee should not be too much influenced by outside members rather than by municipal commissioners who, because of their knowledge of Corporation affairs and the manner in which business is carried on by the Corporation as a whole, are better capable of conducting the affairs of a district committee. I would therefore restrict the number to three instead of six.

As regards the provision "and shall not be entitled to vote" there is some doubt in my mind as regards the salutariness of the provision. My friend thinks that simply because a man is a member of the district committee he would be satisfied; but I think that no very capable man, who by his knowledge and superior intelligence may be able to throw much light on the work before the district committee—no man of this kind would allow himself to be co-opted in this manner if we were not going to give him the right to vote. If the right of association were restricted to three persons, there would be no fear of carrying the committee over the heads of regularly elected municipal commissioners.

In the circumstances I would ask Government to consider whether the number should not be restricted to three and whether outsiders, whose duty will only be to inspect and report and would have no executive

powers, should be given the right to vote also in order that the services of many prominent gentlemen may be secured.

Babu SURENDRA NATH MALLIK: I am in entire sympathy with this amendment and I do not think the members of the Corporation should have any objection to accepting it. As a matter of fact, I believe that the district committees of the future will be placed where public opinion might very well be represented through outsiders who may come there and help the committee. Whether those gentlemen should have the power to vote is a somewhat difficult matter to decide. As far as outsiders are concerned, I do not think that they should be entitled to vote, but if they should be, then their number must be restricted to three instead of six. The difficulty is that these district committees are very soon to get something like executive powers at no distant date. In view of the very large areas that we are going to have in future Calcutta, a certain amount of executive powers with regard to purely executive matters must be given to these people. And looking at it from that point of view I think that they ought to be allowed to vote. But I would reduce their number to three at the same time. Otherwise there is a danger which you can well imagine. Then, I think, that these persons must be residents of the locality—must be persons residing in the district, and also they must be elected by the members of the district committee themselves. This must be expressly provided for, otherwise how are they to be associated with the committee? There are two methods of association one by election, as I have just said, and the other by the members coming into the committee room and calling themselves members.

Mr. PRESIDENT: You mean co-opted?

Babu SURENDRA NATH MALLIK: Whatever it is, there must be some sort of procedure definitely laid down. With these few suggestions, I support the amendment and I have great pleasure in doing so remembering that these district committees would be the seed-beds of future civic service on the part of many of our young men and some of our retired old men who are willing to give their services to the Corporation without entering into election contests.

Mr. D. C. GHOSE: I am in entire accord with the object of the amendment, but I think that the right of voting should not be given to persons who are co-opted as members of district committees. I think that at the time of discussion their assistance should be taken, but when the time of decision comes they should be asked to refrain from voting, because I venture to think that the responsibility for the proper discharge of the Corporation work rests and rightly rests upon the accredited representatives of the rate-payers in the Corporation and they should not share their responsibility with members of the public who are co-opted occasionally for the purpose of assisting them with regard to matters

in which their help is required. Subject to this proviso, I am quite willing to support the amendment.

Babu SURENDRA NATH MALLIK: With your permission, may I ask a question of Mr. D. C. Ghose? Supposing there are 13 items on the agenda paper, will the persons go out 13 times and come back 13 times, that is, go out when the voting commences and come in when the discussion is resumed.

Mr. D. C. GHOSE: I never meant that.

Mr. PRESIDENT: I did think he meant that there should be a constant procession of the members in and out of the room. (Laughter.)

Dr. PRAMATHANATH BANERJEA: I desire to support the amendment. The difficulty as to whether such persons should be elected or appointed will be obviated by the substitution of the word "co-opted" for the word "associated" as has just been suggested by you, Sir. As for the question whether the number should be six or only three, I am in favour of only three being so co-opted, but these three should be the members of the committee and should not be debarred from voting. I am glad that the question of the borough system is raised. I made that suggestion on one occasion and I hope that this will be the beginning of the borough system which I hope will be established at no distant date.

The Hon'ble Sir SURENDRA NATH BANERJEA: I entirely sympathize with the principle underlying the amendment. I think these district committees have a great future before them. They will be the centres of civic life in all these wards. They will in regard to the civic life of Calcutta be preforming very much the same function that the union boards perform in the economy of rural life in the districts. I do not think that the association of these co-opted gentlemen will have the effect of weakening public interest in the concerns of the district committees. Therefore, I whole-heartedly support the principle of the amendment.

Coming to the question of details. I am in favour of three instead of six members. We must not have too many of these members and in the next place these members should be co-opted which means elected by the board.

Babu SURENDRA NATH MALLIK: May I just say one word which has struck me? If we do not give voting power to these gentlemen it would be very difficult for us to get self-respecting persons to accept memberships and to take part in the discussion. If they are simply to sit down and take part in the discussion and, when the time of voting comes, have to retire, I do not think we shall get that type of men to come forward whom we want to co-opt. Any self-respecting man would

refuse to take part in what we call in Bengal *balay khalah*, that is to say, acting as a sort of dummy when the time of voting comes. That would not do. Give them some responsibility and you will get the right type of men who will be of some use to these committees.

Mr. D. C. GHOSE: May I just say one word, Sir?

Mr. PRESIDENT: Is it a point of order or a point of personal explanation?

Mr. D. C. GHOSE: I am afraid it is neither, Sir.

Mr. PRESIDENT: Then I cannot allow you to speak again.

The Hon'ble Sir SURENDRA NATH BANERJEA: May I just say one word which I think is a point of personal explanation but whether it is so or not you will judge for yourself. I understand that in the London County Council co-opted members are allowed to vote and I think we may follow in this case the example of the London County Council.

Babu JATINDRA NATH BASU: I have no objection in accepting the modification proposed by the Hon'ble the Minister.

Mr. S W. GOODE: May I, Sir, with your permission, put the motion in the following modified form:—

(3) The district Committee shall associate with themselves not more than three persons residing within such district. Such persons shall be elected by the Committee every year in such manner as may be prescribed by rules made by the Corporation in this behalf. Such associated members shall hold office for one year and shall be entitled to vote.

Mr. J. CAMPBELL FORRESTER: I would just like to say one word. These persons, it would appear, will have all the privileges of elected councillors, but in the County Council with which I was associated, the co-opted members were not allowed to vote and I do not see why these gentlemen could not be co-opted without their being given the power of voting. They may take part in the discussion and refrain from voting.

Mr. PRESIDENT: The Hon'ble the Minister has correctly interpreted the practice which is certainly followed in the London County Council.

The motion being put a division was claimed by Mr. D. C. Ghose.

Babu SURENDRA NATH MALLIK: On a point of order, Sir. Mr. Ghose is the only person who shouted "no" when the motion was first put by you, and he is the only person who has now claimed a division. Cannot he himself go out alone?

Mr. PRESIDENT: The point raised by Mr. Mallik is a matter of principle. Mr. D. C. Ghose has challenged a division and he is entitled to have one. He may perhaps be in the minority of one.

The division was then taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.	James, Mr. R. N. L. Langford.
Banerjea, the Hon'ble Sir Surendra Nath.	Kaithan, Babu Debi Prosad.
Banerjea, Dr. Pramathanath.	Lang, Mr. J.
Basu, Babu Jatindra Nath.	Mallik, Babu Surendra Nath.
Bentley, Dr. C. A.	Marr, Mr. A.
Birley, Mr. L.	McAlpin, Mr. M. C.
Bose, Mr. S. M.	Mitter, the Hon'ble Mr. P. C.
Chaudhuri, Babu Kishori Mohan.	Mukerjea, Mr. S. C.
Chaudhuri, Rai Harendranath.	Rahim, the Hon'ble Sir Abd-ur-.
Cohen, Mr. D. J.	Ray, Babu Surendra Nath.
Deare, Major-General S. H.	Roy, Mr. C. M.
Donald, the Hon'ble Mr. J.	Roy, Mr. J. M.
Donovan, Mr. J. T.	Roy, Raja Manilal Singh.
Emerson, Mr. T.	Sen, Babu Mani Lal.
Hornell, Mr. W. W.	Stuart-Williams, Mr. S. C.
Huntingford, Mr. G. T.	Villiers, Mr. F. E. S.

NOES.

Forrester, Mr. J. Campbell.	Roy, Maharaja Bahadur Kshaunish Chandra.
Ghose, Mr. D. C.	

The Ayes being 32 and the Noes 3, the motion was carried.

The following amendments standing in the names of Rai Mahendra Chandra Mitra and Shah Syed Emdadul Haq were, in the absence of the members, deemed to be withdrawn:—

"That in clause 85, line 2, the words and brackets '(if any)' be omitted."

"That in the last two lines of clause 86 the words 'if any such report be prepared' be omitted."

CLAUSE 93.

Babu AMULYA DHONE ADDY: I move that the priviso (*g*) to clause 93, be omitted. It will appear that under clause 93 no payment of any sum out of the Municipal Fund shall be made unless the expenditure of the same is covered by a current budget grant. But under the proviso, this section shall not apply to payments made in the following classes of cases; and this is one of the cases in which the payment may be made by the Chief Executive Offiver even if there be no provision in the budget. These are the expenses incurred by the Corporation in exercise of the powers conferred by section 440. It will appear that

under section 440 in the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta, the Corporation, if they consider that the other provisions of this Act or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the local Government—

(*a*) take such special measures, and

(*b*) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons, as they may deem necessary to prevent the outbreak of such disease or the spread thereof.

So it appears that under section 440 the Corporation may take special measures for the prevention of the outbreak of any dangerous diseases, and under clause 93, the Executive Officer may incur any expenditure whatever even in the absence of any special specific provision under the budget. I am afraid, Sir, that it will lead to extravagance as has been the case whenever plague, influenza or small-pox takes a virulent type in Calcutta. Admitting that the object of the Corporation is always a noble one, it is absolutely necessary that the grant should be provided for in the budget with the sanction of the Corporation and that the Executive Officer should not be allowed to incur expenditure in the absence of any special grant.

Babu DEBI PROSAD KHAITAN: If the amendment proposed by Babu Amulya Dhone Addy is accepted we had better delete clause 440 altogether because if sub-clause (*g*) of clause 93 goes out, the purpose of clause 440 cannot be carried out. It is the purpose of clause 440 that, in the event of an epidemic after the passing of the budget, the Corporation can spend money of its own accord without having a provision therefor in the Budget, and if this amendment is accepted, and if an epidemic breaks out after the passing of the budget, clause 440 will be absolutely ineffective. I believe my friend has moved this amendment under a misapprehension and I hope he will withdraw it.

Babu SURENDRA NATH MALLIK: I am astonished that after 26 years of services in the Corporation my hon'ble friend, Mr. Addy, should think of putting forward such an amendment as this and I certainly think that he must have done so under a misapprehension. He must have either misread or misunderstood the clause. Epidemics have a nasty habit of coming into the town without previous notice at any time whether before or after passing the budget and steps have to be taken under section 440 to deal with such epidemics. How can you do that without spending money. How can you take any measure without

spending money? And I am puzzled to know what my hon'ble friend means by his amendment. I hope he will withdraw it.

The Hon'ble Sir SURENDRA NATH BANERJEA: I oppose the amendment on behalf of Government for the reasons that have been stated by the previous speakers.

The motion was then, by leave of the Council, withdrawn.

Mr. S. W. GOODE: May I, with your permission, Sir, put the new draft of clause 82AA (Amendment No. 217), which I have got ready and which runs as follows:—

82AA(*1*) The Corporation shall appoint a Standing Committee (to be called the Primary Education Standing Committee) to advise them in regard to all matters relating to primary education in Calcutta.

(*2*) Such Committee shall consist of not more than six Councillors or Aldermen and of such other persons (not exceeding three in number) as the Corporation may from time to time and for such period as they think fit, by a specific resolution associate with the Committee.

(*3*) Persons so associated with the Committee shall have a right to vote at meetings of the Committee and shall be deemed to be members thereof for all purposes during the said period.

Babu DEBI PROSAD KHAITAN: May I offer a suggestion for the consideration of Mr. Goode? If this draft is accepted then there will be six municipal commissioners and three outside gentlemen who may be the Executive Officer, the Inspector of Schools, and another officer of the Education Department. It will be a very small committee and having regard to the number of wards and the number of districts and the aided areas in Calcutta, it will certainly be a very small committee. Then, Sir, we have got to look to the Muhammadan, Hindu and the European interests and so I hope, Sir, Government will see their way to allow nine councillors to be appointed to this committee and also to allow this committee to co-opt other members from time to time when it is found necessary. The question of primary education is a very important one and we should allow as many capable men to be interested in it as possible.

Mr. S. W. GOODE: When the Hon'ble the Minister approved this draft he consulted the Chairman of the Calcutta Corporation and we all agreed that if this committee is to be of any real value it is very essential that it should be a small business-like executive committee. Probably a considerable amount of their work will consist in inspecting Schools and I think this number is quite sufficient.

Babu DEBI PROSAD KHAITAN: I am glad now to accept the re-draft of the amendment.

The motion was then put and agreed to.

Mr. PRESIDENT: The business for to-morrow will be the suffrage of women and the formation of a "Ladies" Constituency and the appointment or election of a lady councillor.

Adjournment.

The Council was then adjourned till 3 P.M. on Friday, the 16th February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council [illegible] under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 16th February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 92 nominated and elected members.

Starred Question

(to which oral answer was given).

"Servant" defamation case.

*LXII. **Dr. A. SUHRAWARDY:** Will the Hon'ble the Member in charge of the Political Department be pleased to state the amount of cost incurred by Government in connection with the *Servant* defamation case in—

(*a*) the lower court; and

(*b*) the Court of Appeal?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): The member is referred to the answer to unstarred question No. 288 (*a*) (*iv*) asked by Shah Syed Emdadul Haq at the meeting of the Bengal Legislative Council held on the 29th January, 1923.

Unstarred Questions

(answers to which were laid on the table).

Delay in the supply of quinine from Alipore Juvenile Jail to post-offices for sale.

378. **Khan Bahadur Maulvi WASIMUDDIN AHMED:** Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the Juvenile Jail at Alipore has, of late, failed to supply quinine for sale to the post-offices in the mufassal, at a time when malaria was prevailing?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): The supply of quinine was delayed in some cases owing to the shortage of glass tubes.

Malaria Observatory at Sonarpur.

379. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) when the Malaria Observatory at Sonarpur was established;

(*ii*) what has been the capitalized and non-recurring total expenditure for the station up to date;

(*iii*) what is the present cost of its maintenance;

(*iv*) how many officers are carrying on any investigation at the station during the year;

(*v*) which of these officers have visited the station during 1922;

(*vi*) for how many times each of them has so visited the station; and

(*vii*) what has been the total sum spent for the travelling and halting charges of higher inspecting officers visiting this station during 1922?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) 1st May, 1921.

(*ii*) Rs. 1,000 up to date, viz., Rs. 500 for furniture, and Rs. 500 for laboratory equipment.

(*iii*) About Rs. 12,000 a year.

(*iv*) to (*vi*) One Assistant Surgeon; three Sub-Assistant Surgeons; two Surveyors; one Compounder clerk; eight menials.

The entire staff is stationed permanently at Sonarpur.

(*vii*) The total sum is Rs. 39-6-0.

Introduction of system of payments for medicines and beds in certain hospitals in Calcutta.

380. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the names of the charitable hospitals in Calcutta in which the system of payments for medicines in "out-door" and for beds in "in-door" has been introduced from the 1st of January, 1923;

(*ii*) what was the total number of free beds in each of these hospitals on the 31st December, 1922;

(*iii*) what was their position as to free and paid beds on the 15th January, 1923;

(*iv*) what was the total number of attendance in "out-door" of each for the first 15 days of January compared with that for the same period in 1922; and

(*v*) what is the total collection made in each of these hospitals from "out-door" for the first 15 days of January, 1923?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) (1) Medical College Hospitals; (2) Campbell Hospital; (3) Sambhunath Pandit Hospital; and (4) Presidency General Hospital.

		Free beds.
(*ii*) Medical College Hospitals	...	486
Campbell Hospital	...	730*
Sambhunath Pandit Hospital	...	102
Presidency General Hospital	...	188
Total	...	1,506

	Free beds.	Paid beds.	Total.
(*iii*) Medical College Hospitals	350	136	486
Campbell Hospital	593	137	730
Sambhunath Pandit Hospital	60	42	102
Presidency General Hospital	40	148	188
Total	1,043	463	1,506

	From 1st to 15th January, 1923.	From 1st to 15th January, 1922
(*iv*) Medical College Hospitals	3,643	3,559
Campbell Hospital	2,282	1,469
Sambhunath Pandit Hospital	3,519	1,577
Presidency General Hospital	143	81

The Surgeon-General reports as follows:—

"A falling off in out-patient attendances for the first few months was anticipated; but already after one month's working as the people

* Including 164 small-pox and 7 cholera.

are realizing that exemptions in payment are freely made I am informed from all hospitals that the attendances are again increasing."

	Rs.	A.	P.
(*c*) Medical College Hospitals ...	222	7	0
Campbell Hospital ...	54	2	0
Sambhunath Pandit Hospital ...	96	4	0
Presidency General Hospital ...	65	0	0

Cinema films prepared by the Local Self-Government Department.

381. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government and Public Health be pleased to state whether it is true that some cinema films have been prepared at the cost of his Department?

(*b*) If so, will the Hon'ble the Minister be pleased to state the number of films that have been prepared and the total cost that has been incurred for making the films and for showing them to the public up to date?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) Two copies of a cinema film, dealing with public health, industries, etc., have been prepared for the Publicity Department at a cost of Rs. 9,054.

The films have so far been shown in 90 villages in Midnapore, Bankura, and the 24-Parganas; the film has been followed up by expositions given by trained lecturers.

The cost of exhibiting the films has so far amounted to Rs. 4,366.

Vital statistics of Pabna.

382. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) what is the figure of the recent census of 1921 that represents a decline in the population of the district of Pabna as compared with the figure of the census of 1911;

(*ii*) whether the figure corresponds and tallies with the figures as reported in the vital statistics of the district;

(*iii*) what is the total number of deaths in the district during the last ten years from—

(*1*) cholera,

(*2*) influenza,

(3) small-pox,

(4) malarial fever, and

(5) other diseases,

(iv) what is the proportion of deaths between males and females;

(v) whether it is a fact that the people living further away inland from the rivers in the district are more immune from cholera than the people who live in the near proximity to the rivers;

(vi) whether the population in the jurisdiction of every thana in the district is decreasing every year;

(vii) whether there are any exceptions where deaths are normal and births exceed deaths; and

(viii) if so, what are the names of such thanas?

The Hon'ble Sir SURENDRA NATH BANERJEA: (a) (i) According to the census of 1921 the population of the Pabna district is 1,389,494 against 1,428,586 of the census of 1911.

(ii) No. The total number of deaths registered during the last decade 1911 to 1920, is 445,572 and that of births is 427,106 which shows a decrease of 18,466; whereas the census figures show a decrease of 39,092 in the population. Presumably all the domestic occurrences were not registered.

(iii) The figures are available in the Annual Sanitary Reports. A statement is, however, placed on the Library table.

(iv) The number of male deaths to every 100 female deaths during each of the years 1911 to 1920 is given below:—

1911	... 114	1916	... 115
1912	... 112	1917	... 110
1913	... 103	1918	... 114
1914	... 104	1919	... 110
1915	... 111	1920	... 112

(v) Figures showing the deaths from cholera, thana by thana, during 1920 are given below. The largest number of deaths occurred in the three thanas of Shahazadpur, Mathura and Dulai which are near the rivers—

Pabna	...	... 143
Dulai	...	... 270
Chatmohar	...	... 150
Mathura or Bera	...	... 426
Sirajganj	...	... 127
Shahazadpur	...	... 688
Ullapara	...	... 20
Raiganj	...	... 30

(*vi*) to (*viii*) No. The number of births exceeded that of deaths in thanas Sirajganj, Shahazadpur and Ullapara during the year 1920.

Thanas in Pabna without charitable dispensaries.

383. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the names of the police-station headquarters in the district of Pabna which are still without a charitable dispensary; and

(*ii*) the names of the thana dispensaries which the Pabna district board is prepared to open if partially helped by the Government and by local subscription?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) (1) Atgharia; (2) Sara; (3) Santhia; (4) Sujanagar; (5) Ullapara; (6) Kamarkhanda; (7) Chaubali; (8) Belkuchi.

(*ii*) The district board is prepared to open dispensaries at the following thanas, viz.—(1) Atgharia, (2) Santhia, (3) Ullapara, (4) Kamarkhanda, and (5) Dasuria, if Government gives grants-in-aid.

As the amount available for distribution to different districts for the establishment of new dispensaries has been cut down, Government are at present able to offer grants-in-aid merely for two dispensaries in the Pabna district.

Pabna morgue.

384. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that the people of Pabna submitted a memorial to the Hon'ble the Minister to remove the Pabna post mortem house from its present site;

(*ii*) whether the Civil Surgeon and the District Magistrate of Pabna expressed any opinion on the memorial in forwarding the same to the Government;

(*iii*) if so, what remarks did they make on the said memorial; and

(*iv*) whether it is a fact that the Chairman of the Pabna municipality and the Pabna district board and other influential men, such as title-holders and retired subordinate judges were among the signatories to the said memorial?

(*b*) Is the Hon'ble the Minister aware that there are many residential quarters by the side of the embankment near which the said morgue is situated?

(*c*) Is the Hon'ble the Minister aware that the said morgue is situated very near to the screw pile bridge over the river Ichamati which is the main thoroughfare to and from the Pabna town?

(*d*) Is it a fact that the police parade grounds on the western side of the post mortem house comes within its range of infection more than any other plot in the vicinity?

(*e*) Are the Government considering the desirability of instituting a further inquiry into the matter and taking down the evidences of some of the signatories to the memorial regarding the alleged grievance?

(*f*) If not, are the Government considering the desirability of taking early steps to remove the morgue from its present site to some other place at a distance from the residential quarters? If not, why not?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) and (*iv*) Yes, a memorial signed by several of the leading residents of Pabna was received.

(*ii*) and (*iii*) Yes. The Civil Surgeon and District Magistrate were of opinion that the removal of the post mortem house was unnecessary, as the average number of post mortems per annum was only about a score and only some of the bodies were in a state of decomposition.

(*b*) There is only one house near the morgue.

(*c*) Yes. The morgue is, however, secluded by its compound and there is a municipal pound between it and the road.

(*d*) No. Sufficient space is left between the parade ground and the post mortem house.

(*e*) and (*f*) Government are satisfied that the removal of the building is not necessary and do not propose to make such an inquiry.

Supply of quinine and cinchona to malaria patients in Pabna.

385. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the number of patients suffering from malarial fever attending the dispensaries and hospitals in the district of Pabna; and

(*ii*) the total amount of quinine and cinchona annually supplied to these dispensaries and hospitals?

(*b*) Has the supply been found sufficient to meet the requirements of these patients?

(*c*) Will the Hon'ble the Minister be pleased to state how this supply of quinine and cinchona is obtained by these dispensaries?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) In 1921-22 the number of patients suffering from "fever" was 44,677. No separate record of malaria cases is kept.

(*ii*) In 1922-23 Government gave the Pabna district board a grant of Rs. 1,200 for the purchase of quinine. Government have no information as to the supplies purchased from local and dispensary funds.

(*b*) No.

(*c*) By indent on the Juvenile Jail, Alipore.

Pabna charitable hospital.

386. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware—

(*i*) that in-door patients in the Pabna charitable hospital are not cared for or well looked after; and

(*ii*) that in the first week of January, 1923, a patient who was on the road-side and sent to that hospital by some kind-hearted gentleman, had to lie down on soiled bedding for a long time and that no arrangements whatsoever were made either to remove the soiled bedding and straw under him or to cleanse regularly the space occupied by that patient?

(*b*) Are the Government considering the desirability of drawing the attention of the authorities of that hospital to this and of seeing that every possible care and comfort are available to the patients admitted there and that regular arrangements are made to cleanse the night-soil, etc., in the rooms?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) Government believe this statement to be incorrect.

(*ii*) The true facts of the case are as follows:—

An insane street beggar suffering from severe dysentery was brought to the hospital in a very grave condition. He was placed in the Isolated Ward and being a lunatic and—a frequent result of insanity—very dirty in his habits, he was continually soiling his bedding. Several good mattresses were spoiled and the hospital authorities were finally obliged to give him old bedding. The patient was given every attention but succumbed on the 12th day after admission.

(*b*) No. The comfort of a hospital is largely dependent on its income and Government believe that the Pabna Hospital authorities make the best use of their meagre funds.

Admission of Rajshahi division students into medical institutions in Bengal.

387. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) how many inhabitants of the Rajshahi division in general, and Pabna district in particular, applied for admission into the medical schools and colleges of Bengal during the years 1920, 1921, and 1922;

(*ii*) how many of them were admitted and how many have been refused admission in each of the schools and colleges during those years; and

(*iii*) how many students of the Rajshahi division and also of the Pabna district are prosecuting their studies in each of the classes of medical schools and colleges in Bengal at present?

The Hon'ble Sir SURENDRA NATH BANERJEA: A statement is laid on the Library table.

Bone mills at Beliaghatta.

388. Babu HEM CHANDRA NASKER: With reference to the reply given to my unstarred question No. 6 of the 17th January, 1922, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what action, if any, has been taken to mitigate the nuisance caused by the Bone Mills under the jurisdiction of the Maniktala municipality?

The Hon'ble Sir SURENDRA NATH BANERJEA: Government have no further information. It is the duty of the municipal commissioners to secure the abatement of nuisances within their jurisdiction.

Pay and prospects of officers serving in technical and industrial schools.

389. Maulvi SHAH ABDUR RAUF: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact—

(*i*) that the officers now serving in the technical and industrial schools under the Director of Industries, originally served in

the Education Department under the Director of Public Instruction;

(*ii*) that they were transferred to the Department of Industries; and

(*iii*) that on their transfer they were given assurances by the Government in paragraph 2 of the Director of Industries, Bengal's letter No. 987 D.I., dated 25th April, 1921, to the effect that their pay and prospects would not be affected by these transfers?

(*b*) If so, will the Hon'ble the Minister be pleased to state why the case of these officers were not taken into consideration when the pay and prospects of the officers serving in the Education Department were improved and the educational services reorganized?

(*c*) Will the Hon'ble the Minister be pleased to state whether the Government contemplate improving the pay and prospects of these officers? If so, when?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) (*i*) Yes.

(*ii*) Yes.

(*iii*) Yes.

(*b*) Because these officers were not then under the control of the Education Department.

(*c*) The matter is already under the consideration of Government.

Anticipated deficit in the Budget for 1923-24.

390. Mr. BIJOYPROSAD SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether the Government anticipate any deficit in the next year's budget (1923-1924)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state—

(*i*) what is the amount of such deficit;

(*ii*) how are the Government proposing to meet the deficit;

(*iii*) whether the Government intend to give effect to any of the recommendations of the Provincial Retrenchment Committee in the next year's budget; and

(*iv*) if so, what will be the extent of the financial relief to be effected thereby?

MEMBER in charge of DEPARTMENT of FINANCE, the Hon'ble Mr. J. Donald): (*a*) (*b*), (*i*), (*ii*), (*iii*) and (*iv*) The member is

referred to the answer given to unstarred question No. 231 asked by Shah Syed Emdadul Haq on the 29th January, 1923.

King Edward Memorial Hospital in Midnapore and Shama Charan Laha Eye Infirmary.

301. Raja MANILOLL SINGH ROY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) when the Midnapore Hospital came to be called the "Pearce Hospital";

(*ii*) who was "Pearce";

(*iii*) why was the hospital named the "Pearce Hospital";

(*iv*) what was the reason for re-naming the hospital as "King Edward Memorial Hospital" as per Notification No. 2647-Medical, dated the 11th November, 1922, published in the *Calcutta Gazette* of the 15th November, 1922?

(*b*) Will the Hon'ble the Minister also be pleased to state—

(*i*) whether it is a fact that the name of the "Shama Charan Laha Eye Infirmary" is to be changed;

(*ii*) what is the total expenditure incurred in building and equipping the said Eye Infirmary in the beginning;

(*iii*) what is the amount of contribution made by the late Babu Shama Charan Laha;

(*iv*) whether there was any condition attached to the said contribution;

(*v*) when was the contribution made; and

(*vi*) what is the reason for the proposed change in the name?

(*c*) Will the Hon'ble the Minister be pleased to state whether the heirs and the representatives of the late Babu Shama Charan Laha and the Midnapore public have been consulted in the matter of the changes made or proposed?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) No information is available.

(*ii*) Mr. John Pearce, R.E., was the Collector of Midnapore, during the latter part of the 18th century—certainly during the period from 1781 to 1788.

(*iii*) Muhammad Sadatulla was the owner of the estate known as Nazarganja. He placed the estate at the disposal of Mr. Pearce on the understanding that the income therefrom would be used for helping

"the aged, the lame, the sick and the helpless poor." This estate was improved by Mr. Pearce who had it made a trust property, the Collector being the trustee; the estate was made *lakhiraj* by order of the Revenue Board and confirmed by His Excellency Lord Cornwallis. The old hospital of Midnapore had its share in the income, which it still enjoys; in all probability the hospital was named after Mr. Pearce in consideration of the aforesaid help for its maintenance.

(*iv*) When the new buildings were constructed in 1913, the name of the hospital was changed into the King Edward Memorial Hospital. As the records of the hospital have been destroyed by fire it cannot be traced under what circumstances the change of designation was suggested. The oldest block, the out-door department of the dispensary, still bears the name of Pearce Hospital.

(*b*) (*i*) No.

(*ii*) Rs. 1,37,962.

(*iii*) Rs. 60,000.

(*iv*) The contribution was made on condition that Government should give the site and manage and maintain the hospital when built.

(*v*) In October, 1889.

(*vi*) The question does not arise.

(*c*) In 1913 the old Pearce Hospital needed renewal and certain investments were sold to raise money for building the present new hospital. When the new building was completed, the hospital was re-named the "King Edward Memorial Hospital." The hospital records were destroyed by fire in 1918 and it is not known on what authority the change of name proposed by the local officers and approved by Government, was made.

Condition of roads in Bankura due to floods.

392. Babu RISHINDRA NATH SARKAR: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the fact that owing to the heavy rains and recent floods of the Darkeswar, Silabati and Kanshai many of the public roads in Bankura have been badly damaged?

(*b*) Has any financial assistance been made to the district board to repair these roads?

(*c*) Are the Government proposing to assist the district board if this has not already been done?

(*d*) Is it a fact that the people living within the jurisdiction of police-stations Taldangra, Khatra, Raipur and Fulkusma are suffering inconveniences on account of the bad condition of the roads?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The answer is in the affirmative.

(*b*) No.

(*c*) The district board asked for a grant of Rs. 65,000, but has been informed that there is no likelihood of a grant being given and has been asked to consider the question of applying for a loan.

(*d*) Government have no information as to the particular villages mentioned.

Government Bill.

The Calcutta Municipal Bill, 1921.

Maulvi HAMID-UD-DIN KHAN: I move that clause 19 (*1*) (*a*), namely, "(*a*) is a female; or" be reinserted.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Maulvi Sahib, I want you to move No. 154 also, because it relates to persons qualified to vote and should therefore be taken before No. 143, which relates to persons qualified to be candidates.

Maulvi HAMID-UD-DIN KHAN: I shall take the two motions together. I also move that clause 21 (*1*) (*a*), namely, "(*a*) is a female; or" be reinserted.

At the very outset, I owe an apology to those who may call me a coward or brand me with the epithet of unchivalrous or pretentious or the like expression, to hear me patiently without expressing any sign of passion or prejudice.

My objections to the extension of women franchise are on the following grounds:—

(*1*) A resolution for the extension of the franchise in the reformed Council to women was moved by my hon'ble friend, Mr. S. M. Bose, on the 1st of September, 1921, and it is known to us all what fate the resolution met at that time. May I ask now whether the condition of the country has since then been changed to favour the grant of the franchise to women? Has anything unusual happened that has flung open the door of the franchise to them, has any special event happened which entitles them to claim such suffrage? If nothing special, nothing extraordinary, nothing unusual has happened by this time, I fail to understand the reason of the advocacy of extension of the franchise to our fair sex. The female franchise was refused by this Council by an overwhelming majority only one and a half years ago. The same Council still exists, with almost the same members. Have the opinions of the members undergone a change in favour of granting the franchise to

women? I pause for a reply. My argument is that as the franchise was not extended to women in the reformed Council—the enlarged and extended Council—the franchise should not be extended to the Calcutta municipality, which is a Council with councillors in miniature form.

(2) My second point is whether women of education be given the franchise. I think the educational qualification should not be the qualification for its justification. My friend, old Raja Reshee Case Law, wishes to grant suffrage to women graduates of any university. Thereby he means to say that they are highly qualified as they had degree badge of distinction from a university. Very good. Did the great and renowned women of the past, like Khana or Lilábati, Nurjahan or Chandbibi, and women of modern times, like Rani Bhobani or Rani Sornamoyee, graduate from any university? Are these women inferior, as they got no degree, to any of the so-called qualified women graduates of any university? Can any of our female graduates be compared with them? Had they not managed their affairs—more complicated affairs—more complex political problems—without graduation and without being out of *purdah*? Does the university graduation justify a woman for the franchise, leaving her poor sisters who have not the chance or fortune for passing through the door of a university to catch at a degree? I, for these reasons, cannot lend my support to the amendment of the Raja.

(3) My third point is that women in all societies hold an inferior position. The Hindu Rishis of old did not give Hindu women the right of worshipping their gods and goddesses; the law-makers did not give them absolute rights in property. In Europe—the abode of civilization, learning and culture—what was the position of women? They were regarded as mere chattels and could own no property of their own. Even the great Prophet, who was most generous and liberal to women, did not give Moslem women equal share with men. And why? Because they were considered by all *sastrakers*, *i.e.*, law-makers, to be incompetent to discharge equally the functions which could be successfully done by men alone; because they thought that there is a fundamental distinction between men and women. So there could be no equality between men and women in the sphere of life. Nature has made them different from men as is evinced from the delicacy and the constitution of their frame. Nature has made them for light duty and light work, so their sphere of activities is confined to the home, where they rule supreme. Nature has made division of work for men and women. From what we see in our every-day life—a boy and girl of same age playing together—the boy will take to riding by putting a stick or rod between his legs, whereas the girl will mimic cooking. Why this? Nobody instructs them to do so. Nature teaches them to do so, to fit them for the work they will be required to perform in days to come. There is no use fighting against nature. To fight against nature is sin, so nature has made women to keep home and to look to the comforts and convenience of men, who are made for harder and difficult duties, and to look to the welfare of

their children, leaving their interest in the safe custody of men, whose interest is also identical with that of women. Women were never unhappy being guided by their father, brother, husband and sons. Women will commit a great mistake if they aspire to do work which should be done by men alone and *vice versa*. By attempting to do this they will make the world unhappy. But I think it would be a mistake—a great mistake—if they come out and wrangle with men in the field of politics. Besides, if the females come out into the sphere of politics, their sweet temper, goodness of heart, and their charms, which are their peculiar virtue, will gradually vanish and they will gradually degenerate into wrangling debaters, political agitators, and partisans, and I fear in course of time they will become unsexed.

The qualification of a voter, male or female, depends on payment of certain tax or rent upon certain property. Any woman, without the question of being chaste or unchaste, could be a voter, provided she pays a certain amount of tax. There is nothing in this Act to prevent a woman of any character with property qualification from voting without any distinction whatsoever. There is nothing, also to prevent a woman of objectionable character with certain property qualification becoming a voter or a councillor in the Corporation, if elected. Sir, I cannot imagine for a moment that a woman of high educational qualification or women of rank will contest a seat with any undesirable woman. Would any one of my women friends in the gallery like the idea of contesting the same seat with a woman of questionable character; would any of them like the idea of going to the polling booth with her lady friends along with or mix with these undesirables; would any of them like the idea of canvassing, organizing, persuading and supplicating her voters, male or female, to defeat a candidate of objectionable character? If that be so, it will be a sight for the gods to see. If that be so, I should like to say that it will be an insult to their common sense, it will be an insult to their education, and it will be an insult to their high morality if they go and wrangle with a common public woman, for a seat in the Corporation. May I now ask my friends who are advocates of women franchise, will they like the idea that their mother, sister, wife or daughter will troop to the polling booth with women of doubtful character, mix with them, approach and to be approached by them? Will any one of my friends here like the idea of his mother, sister, wife or daughter sitting side by side with an undesirable woman in the Council Chamber, engaged in deliberation of the affairs of the Corporation? I pause for a reply.

Last of all I say that if female franchise be extended, then there will be endless trouble not only of false personation but of other matters also; and there will be enormous cost for providing a separate polling booth with provision for *purdah* and with a female recorder of votes.

With these words I support my amendments.

Babu HEM CHANDRA NASKER: The females should not be given the right of voting. The cases of Bombay and Madras are quite different from Bengal. In Bengal strict *purdah* system is observed. The women of Bengal have got no freedom of action. They have got no interest separate from the males. So it will be creating a diversion of action if the right of franchise is allowed to the women. Moreover, the percentage of literate females is nothing in comparison with the total female population of Bengal. So I appeal to the House to accept the amendment.

Mr. S. MAHBOOB ALEY: I am opposed to the idea of the franchise being extended to women. The *purdah-nashins* consisting of Hindu and Muhammadan ladies will not take advantage of the franchise as they cannot vote by proxy. Only a small section of women will enjoy the benefit, while the rest will be shut out from those rights and privileges for the only fault that they are within the *purdah*. Some provisions should have been made in the Bill for our unfortunate *purdah-nashin* sisters. But I, with many others, am of opinion that the fit place of a woman to exercise her talents and faculties is her home and her fittest occupation is to rule the hearth and home. I think the atmosphere in which she should move about should be free from the bitterness and acrimonies of debating halls, and it is better for her, as well as for ourselves, that she should not move in the atmosphere of unpleasant sights and sounds.

Babu RISHINDRA NATH SARKAR: The question of extending the franchise to women was discussed in this Council Chamber twice—once at the instance of Mr. S. M. Bose, who asked the Council to recommend to Government to extend the franchise to women generally, and then on another occasion at the instance of Mr. Stark, who suggested that the franchise should be extended to European and Anglo-Indian women only. The discussion took place for several days, and after a careful consideration of the matter this Council came to the conclusion that it should not be extended to them, and I hope that this time also the Council will consistently hold the same view. Sir, apart from the question of civilization and no civilization, apart from the question of literacy and illiteracy, apart from the question of *purdah* and no *purdah* and women of undesirable character coming in, though these arguments are very sound so far as this province is concerned, I will urge that on general principles the franchise should not be extended to women in any country and for all time. Sir, human life can be divided into two spheres—one the home and the family and the other outside it. Men, being naturally stronger, must go out and bring food for the family and other necessaries of life, whereas women should remain at home, bring up children, and make them citizens for the future nation. If both husband and wife go out, leaving the children to the care of hired persons, surely it cannot be expected that their education will be of the same standard as it would

be if they were in charge of their parents. Then what is the advantage in this? The children will be left to other women at the same time. It is only the rich women that will go and exercise the franchise, leaving the charge of their children to poorer class of the same sex. So, considering this matter in this light, I urge that the franchise should not be given to women. They should stand by the sick bed and the cradle, and they should bring up children to make them citizens for the future nation.

Apart from that question, considering the matter in another light, I should say that the franchise should not be extended to them. The ratepayers of this city will demand that every councillor must attend all the debates, whether important or unimportant, without interruption. But if the franchise is extended to women and if women councillors come in, there may be interruptions because of periodical unfitness. If the people of a particular constituency which she will represent want that she must be present in the Council when a very important matter relating to that constituency is being discussed, it may happen that she may not be able to comply with their wishes on account of her temporary unfitness, and for this reason the franchise should not be extended to the female.

Rai Dr. HARIDHAN DUTT Bahadur: May I rise to a point of order? Are we discussing franchise in respect of the Council or the Corporation?

Babu RISHINDRA NATH SARKAR: I am discussing it for everywhere.

Mr. PRESIDENT: Excuse me, Rishindra Babu, the discussion to-day is about municipal franchise and has no connection whatever with any parliamentary or legislative body.

Babu RISHINDRA NATH SARKAR: I have not mentioned any legislative body at all, and my reasons may be applied to the Corporation as well.

In this connection I like to place before this Council a passage from one of the greatest thinkers of the world. Frederic Harrison says: "Supposing all other forces equal, it is just the five per cent. of the working capacity "——

Mr. PRESIDENT: I hardly think we need go into this question. I would ask you to go to another point of your argument. We all understand your point—there is no further need to elaborate it.

Rai JOGENDRA CHUNDER GHOSE Bahadur: But he has every right to do that.

Mr. PRESIDENT: Excuse me, Rai Bahadur. I am the judge, and when I say that he need not elaborate a certain point, you are not to question that.

Babu RISHINDRA NATH SARKAR: Am I debarred from analysing this point?

Mr. PRESIDENT: The whole Council understands it—you need not go into further details.

Babu RISHINDRA NATH SARKAR: Well, Sir, I will place the substance of what the editor of this book says before the House: "Mr. Harrison makes no apology for male tyranny now or in the past, and admits that many social changes are needed for woman's best development; but he argues that to break down the barriers that tend to distinguish the life of woman from that of man would be to shake the foundations of all family life and bring disaster to civilization."

That is the opinion of one of the greatest thinkers of modern times.

Mr. D. C. GHOSE: It is antiquated.

Babu RISHINDRA NATH SARKAR: My friend, Mr. D. C. Ghose, says that it is an antiquated opinion, but this was written in the year 1908. The great author passed away from our midst in the month of January last. On these grounds I urge that the franchise should not be extended to women.

Raja RESHEE CASE LAW: I move that for clause 19(*1*)(*a*) the following be substituted, namely:—

"(*a*) is a female other than a graduate of any university; or."

The object of my amendment is apparent from its wording. I venture to say that our female councillors should be at the very beginning graduates of some university, which standard may be lowered later on. It must be admitted on all hands that in a society like ours there must be some educational qualification prescribed by statute in a female candidate for councillorship. I do not wish to enter into a controversy with the speakers who have gone before, but in my opinion the woman with educational qualification is the best person to become a councillor or an alderman.

Mr. PRESIDENT: We have a number of amendments on the subject of women's franchise before the Council. I call upon Rai Dr. Haridhan Dutt Bahadur to move his amendment No. 84.

Rai Dr. HARIDHAN DUTT Bahadur: I move that in clause 5(*a*) for the words "sixty-seven elected councillors" the words "sixty-eight elected councillors, of whom one shall be a lady councillor" be substituted.

I do not intend to go into the merits or the demerits of the question of ladies' franchise. My friend, Babu Rishindra Nath Sarkar, has pointed out that they have been thrashed out on the floor of this Hall

not once but twice. Well, the decision of the Council is there, but whether the decision should be accepted at the present moment or not, is a different matter. Personally everybody has got his own views, but collectively, although this House has passed an opinion against women franchise, that has not been accepted outside, at least in some places. So far as the Corporation of Calcutta was concerned, we find that this body decided to extend women franchise. When the matter came before the Select Committee, that Committee decided to accept the opinion of the Corporation of Calcutta, and in accordance with their wishes the bars against women exercising the franchise have been removed. I find here the feeling is still existing that these bars should be again put in and that our women should not be allowed to exercise the franchise. As I have begun by saying, I shall refrain from taking up the time of the Council by discussing the desirability of women franchise or about the wisdom or otherwise of extension of that measure, but I want to point out one thing which we all feel. If you want to have child welfare work, maternity work, and similar social service work done by the Corporation in a proper manner, the association of the ladies would be absolutely necessary. That is the reason why I think that the mere removal of the disability would not meet the requirements of the case. The Select Committee has only removed the disability by omitting certain portions in sections 18(*l*) and 19, but my idea is that we should go a step further. We should not only enfranchise our sisters, but we should make a provision so that one of them may come into the Corporation Council, and that she may help the Corporation in the work of social service which is a very important portion of the work of the Corporation. During the last four or five years, or it may be a little longer, the Corporation has taken upon itself the extension of its maternity and child welfare work. Before that such work was almost unknown to the Corporation. We have now arranged for maternity homes and child welfare, and we have decided to extend the sphere of work in different portions of the city. Therefore it is high time that the association of ladies in the Corporation should be secured. If we accept the situation which has been created for us by the Select Committee, the result would be that all the difficulties of ladies' franchise would be there, but the advantages would be lost. There are in the different wards of Calcutta possibilities of a small number of ladies coming in as electors in the electoral lists, but nowhere is there the slightest possibility of any preponderating number of ladies coming in in any of these lists. The result would be that no lady candidate who might offer her services to the city will have the slightest chance of being successful at an election.

Mr. D. C. GHOSE: Why not?

Rai Dr. HARIDHAN DUTT Bahadur: My friend wants to know why not. It is a question of majority and minority. In every ward, while

there would be 2,000 men voters, there would be 200 women voters in the list. Unless that lady is exceptionally fortunate and is perhaps exceptionally brilliant to attract attention, and, I may say, the sympathy and the co-operation of the 2,000 men voters, there is no chance of getting herself elected as a representative of that particular ward. So, the result would be that men candidates would exploit the situation to their advantage. I feel that these women voters would be either neglected altogether or be taken advantage of by men candidates for purposes of their own. Those who are anxious that the ladies should co-operate with the Corporation in the social service work will kindly bear in mind that simply enfranchising women would not serve their purpose. They might help women in getting this question of women suffrage advanced a little, but so far as actual work by them is concerned, I respectfully submit that it would not serve their purpose. I shall be glad to see ladies returned to the Corporation, but at the present moment I venture to suggest that one seat might be reserved for women voters. I am making a guess, for I have not got actual figures with me. It is quite possible that when the new electoral rolls are prepared, there would be about 3,000 women voters. At the present moment about 3,000 electors, or even less, return one candidate to the Corporation, and if the 3,000 women voters in the different wards of the city are grouped into one electorate and if I ask this Council to give one seat to them, I do not think that I shall be considered unjust or unfair to any. That is my justification for suggesting that one seat might be allotted to ladies. I have said already, and I once more reiterate, that if we have one lady in the Corporation, she will have sufficient work to do. I believe that substantial progress in matters relating to maternity and child welfare would be very speedily achieved if we can enlist an intelligent lady for that purpose as a member of the Corporation. Some of my friends have pointed out their objections against my proposal, viz., that it is a special female constituency. The other day when we were discussing the question of communal representation for Muhammadans, I found there was a feeling against a special constituency. I do not know what is there in the words "special constituency," and I would ask my friends to consider that if you really want to extend the franchise to women, you cannot avoid the special constituency. The difference between man and woman must always be there. It is unlike the question of Hindus and Muhammadans or Europeans and Indians. It is a creation of God. The difference is there, and you must maintain that so long as women are there, and if we seriously intend to enfranchise women, we need not be alarmed at the words "special constituency." One thing more, before I finish. I would like to point out to my friends, and particularly the Acting Chairman of the Corporation, that the difficulty we all feel in the introduction of women franchise is in the application and not in principle. When we have to apply this, we shall find enormous difficulties in our way. I do not for a moment suggest that no franchise should be given

to women. As I have already said, I am in its favour, but at the same time I cannot belittle the importance of the other question, viz., whether it would be possible to apply this in our every-day life in the midst of our existing circumstances. We have experience of elections, and in elections we shall have to make arrangements for the ladies to come and to vote. There will be tremendous difficulties to carry this out. To me it appears that some of these difficulties are almost insurmountable. The *purdah* system is there, whether we like it or not. Whether we should remove it or not is a different matter. Amongst the Muhammadans, the *purdah* is more strict than amongst the Hindus. Most of us come from the orthodox community and we know that the *purdah* is there, and when the *purdah* is there, the identification question is a very serious question. Well, these difficulties have to be met, and I have placed before you a solution. My proposal is to group all the women voters together and leave them one seat. Let the candidates be ladies and not men. Let the ladies go and canvass for themselves and then there will be no difficulty, for however *purdah-nashin* she might be, the ladies are allowed to go and see her. We object to men; we do not object to women. If a European lady comes to my house to canvass the ladies of my house who are electors, there will be no objection. Similarly, I hope, if an Indian lady wants to go and canvass an elector in a Muhammadan house, there need not be any difficulty; but the idea of a man candidate approaching a *purdah-nashin* lady, at the present moment, seems to be ridiculous. I warn those who will be responsible for the introduction of the measure to take this into their consideration. Again I say, if you seriously want this women franchise to be popular, you must find out a solution of the difficulties that at present exist. *Purdah* is not likely to be done away with within the next five or six years. I am perfectly certain that it will not be done away with even within the next ten years. Gradually the rigours are no doubt slackening, but it will take many years before our sisters, wives and mothers will come before a man to be canvassed. These are actual facts, and you cannot and should not ignore facts. These difficulties being there, the only solution that strikes me—and I have discussed this matter with some of my friends—is to group the ladies into one electorate and to leave them alone. Give them a seat in the Calcutta Corporation, or two if you like—I do not mind—but leave the whole thing to the ladies. Let the ladies take interest in it. Let the ladies stand as candidates. Let them decide for themselves who should be their representative in the Corporation. With a view to meet this point, particularly, I have placed this amendment before you. If this principle is accepted, I shall come before you and request you to give me opportunities to put in some other amendments, so that the principle may be given effect to.

Mr. D. C. GHOSE: I am afraid I cannot accord my support to the amendment which has been moved by my friend, Dr. Haridhan Dutt. He will forgive me, I hope, if I venture to describe his amendment as a

kind of *purdah* party arrangement. The women voters, in his opinion, should have nothing to do with men voters. They are to have a constituency of their own, and that constituency is to enjoy the rare privilege of returning one solitary woman councillor to the Corporation. I am surprised that my friend should come forward with a suggestion of this kind. What do we find now everywhere? Do we not find that the spirit of freedom is manifest on all sides? It is manifest in the social sphere as it is in the political sphere. We find everywhere a steady, persistent march towards freedom. Is it not therefore incongruous, is it not an anachronism, is it not a retrograde step now to try to import into the political sphere ideas which are being discarded in the social sphere? My friend has admitted himself that the *purdah* is in a fair way of disappearing altogether. Everywhere one finds a tendency to do away with the *purdah*. One seldom finds a tendency nowadays to observe strict *purdah*. And this is the time, this is the moment when my friend, in the guise of a reformer, comes forward to stereotype in the political sphere what is gradually being discarded in the social sphere. Besides, I venture to think that the whole object of extending the franchise to women will be defeated if we accept the hon'ble member's method of dealing with this question. What, after all, is the object of giving the franchise to women? Is it not to enable women to take their proper and legitimate share in public affairs? Is it not to give them a proper and legitimate share in the return of good men as municipal commissioners of Calcutta? If that is the object of the franchise, do we not defeat it altogether by confining the poor women to a separate special constituency and asking them not to take part in the elections which take place outside their constituency and to confine their choice to the return of one solitary woman to the Corporation? It will appear from the proceedings of the Corporation that the Corporation was overwhelmingly in support of the extension of the franchise to women, and I venture to think that we cannot do better than accept and act upon the considered opinion of the Corporation. Let us be just. If we are going to give the vote to women, let us give it to them on the same terms as men are going to have it under the new legislation. Pray, let us not whittle down the extension of the franchise to women by creating a special constituency and asking that constituency to return one single woman member to the Corporation. I do not know from where my hon'ble friend has got his brilliant idea, but I have made inquiries and I find that the women themselves do not want such a special electorate or such a special constituency. They themselves consider it a slur upon their capacity to take a proper and legitimate share in the municipal affairs of Calcutta. They do not want that their influence should be restricted in any way. Why then should the hon'ble member be so anxious to segregate them? Why should he be so eager to keep them aloof? If we are going to give them the vote, let us give it in the same terms as men will have it under the new Act.

The right to give the vote does not carry with it any compulsion to exercise that vote. If there are women who do not like to exercise the vote, they need not do so; but that is no reason why others, who are anxious and willing to exercise the vote, should be prevented from so doing. Before I close, I should like to say one word on the question, the large question, of the desirabiltty of participation of women in politics.

Mr. PRESIDENT: Municipal politics, Mr. Ghose!

Mr. D. C. GHOSE: Municipal affairs, yes. The old orthodox argument that the true functions of womanhood would be altogether jeopardized by the inclusion of women in the field of public affairs has long been exploded. The experience of countries where women have got the right to vote has shown, has abundantly shown, that neither the existence of the race is menaced, nor the tenderest and the most sacred influences which come from women and which animate mankind are in any danger of disappearing altogether. And India is not going to be an exception. Here, as in other countries, women will not be degraded; women will not be demoralized on account of their taking a proper and legitimate share in public affairs.

I will add one final argument. If we distrust the examples and the experience of other countries, let us at any rate consider what has been done in other parts of India. Bombay has given the right to vote to women. Madras has given it.

Mr. PRESIDENT: We are not debating now the question whether women should have a vote for election to the Legislative Council. We are discussing the question of municipal franchise to women. For the last two or three minutes, you were discussing the right of women to take part in politics. We are not discussing that at all.

Mr. D. C. GHOSE: May I submit that I was referring to the municipal franchise in Bombay?

Mr. PRESIDENT: You did not say so.

Mr. D. C. GHOSE: I said public affairs. Municipal affairs are public affairs.

Mr. PRESIDENT: A branch of public affairs, Mr. Ghose.

Mr. D. C. GHOSE: Bombay has given municipal franchise to women, so has Madras, and so has Bihar. I ask therefore: Shall we in Bengal lag behind? Shall Bengal, the home of every forward movement in the past, hesitate to advance and give women their proper and legitimate share in public affairs? I hope, devoutly hope, that we shall not do so.

The Hon'ble the MAHARAJADHIRAJA BAHADUR BURDWAN: As I should not like to give a silent vote against all tl proposals of women franchise in the Calcutta Municipal Act, I fee incumbent upon me to say a very few words on the subject. I h neither the handsome presence nor the eloquence of my frie Mr. D. C. Ghose, who probably, when he goes round to his lady frie to canvass, will easily fascinate them to give him their votes, but w I wish to point out to this Council is simply this. No sensible Ind desires in any way to show disrespect to his womenfolk; on the ot hand, no Indian wishes either to force the pace or to see even in mun pal legislation anything put in which might cause in practice a r nuisance to *purdah* ladies. I will not mention the occasion, but o very recently there was an occasion when for some public charity house-to-house visitation by a certain class of women took place in t very city. (Hear, hear.) Now, if in connection with the munici elections—I hope you will pardon me, Sir, if you think I am making personal reflection—a number of lady admirers of say, a particu gentleman were to go round canvassing for him in this fashion, it wo become a nuisance for a certain class of *purdah* ladies. And I would very chary, therefore, in making a plunge with a view to giving a f of our more enlightened ladies this privilege without due c sideration of this fact; and as I do not consider that the time h arrived to make this provision on as broad a basis as it is proposed. feel I must oppose any idea of woman franchise in municipal Calcutta.

Mr. S. M. BOSE: I oppose all the amendments, and before discu ing them in detail, I would like to make certain general observatio In September 1921, I had the honour of moving a resolution that wom be given the franchise for the Legislative Council, but many of n friends thought that it was too early to bring this forward, and th pointed out that I had begun at the wrong end of the ladder. Th said that in the local bodies no franchise had been granted to wome and so they suggested that an early experiment should first be made granting women franchise in the local bodies; and then it would be tim to introduce the wider question of granting women franchise to t Council

Now, Sir, this is just the experiment desired by my friends. Th Select Committee has recommended that the sex disqualification b removed, so that there should be nothing to prevent women from votin or standing for election. I cannot see any possible objection to thi Beyond all question, the case for the grant of municipal franchise much stronger than ever than for the grant of political franchi generally. In the latter case, it may be urged, as it was urged last tim that women owing to their seclusion are incapable of understanding pol tics. But in the Corporation, the problem is much simpler—an ever day problem which affects inhabitants of both the sexes personally—pu

food, better water-supply and cleaner city. Then there are other subjects, as my friend, Rai Bahadur Dr. Dutt, has pointed out, in which women more than men are vitally interested, as for instance, child-welfare, maternity, housing, hygene, etc. If we really want to improve this city, we must, I submit with confidence get the help of women in these matters, and the best way of doing so will be to give them the vote. I therefore, maintain that it is necessary for our own welfare that women should have the vote. Sir, I ask: Who are we to say to women, "We give you the vote," or "We will not give you the vote?" Franchise, I say,, is the elementary birthright of every citizen, male or female. Anyone who pays rates and taxes has the inherent right to see how these rates and taxes should be spent. Cannot women claim as of right the benefit of the principle, no taxation without representation? Sir, this is not the case of charity, or favour, or boon. It is a case of elementary justice.

Now let me turn to the various amendments. Our friends, the enemies, have taken various disguises and forms.

The movers of amendments Nos. 142—46 and 154—56 have openly and fairly said that women should not have the vote. My friend, Raja Reshee Case Law, in his motion No. 142 is more insidious, but my friend, Rai Bahadur Dr. Haridhan Dutt, is still more dangerous. He carefully dissembles his love for women and kicks them downstairs.

Now, as to motions Nos. 143—46 and 154—56, the stock argument has been advanced by Maulvi Hamid-ud-din Khan, who has said very much what he said last time; but my friend, Mr. Rishindra Nath Sarkar, fears that this will interfere with the home. How going once in three years to the poll will seriously interfere with the home, I for one fail to understand. I need not dwell on the arguments he has advanced, because I think Mr. D. C. Ghose has sufficiently answered them. Further, as it has already been pointed out, similar rights as regards municipal franchise have been given in Madras, Bombay, Bihar, and even in the United Provinces. My friend, Mr. Nasim Ali, who is so fond of quoting the United Provinces Council, will perhaps be interested to hear that in the United Provinces for several years women in the municipalities have been enjoying the franchise, and I hope that after this statement my friend will come over to my side.

Then, as regards motion No. 142 of the Raja Sahib restricting franchise to women graduates only, I am opposed to it altogether. The educated women of Bengal do not want to have any right not shared by all their sisters. No doubt it is a tempting bait. But I maintain that many women, though illiterate, in the ordinary sense, possess a vast amount of common sense and shrewdness and are better qualified in many ways to vote than many of us here. (Hear, hear). It is well known that many women have managed large estates with a skill that has extorted admiration from men.

Then I come to Rai Bahadur Dr. Haridhan Dutt's amendment which, as I have said, is a most tempting one, but beyond all question it is the most dangerous of all the amendments (Nos. 84, 128 and 134). This proposal for a separate ladies' electorate and a separate seat looks very nice and tempting. But, Sir, after anxious consideration I have come to the conclusion that this tempting bait should be rejected. We are all aware of the fundamental objections to a separate electorate and I need not dwell on them here. The objection is still stronger in this case. We want to have the help of women as voters, especially we want their influence to radiate upon us. We want them to come out and meet us on a common platform of civic interest. We do not desire their seclusion or their exclusion from the general electorate. I must confess, Sir, that it is with great regret that I must decline this tempting offer, but just as I oppose a Muhammadan electorate on the ground that it would be bad for Hindus, for Muhammadans, as well as for the whole nation, so I oppose the woman electorate on the ground that it would be bad for the man, bad for the woman, and bad for the nation.

A few more remarks and I conclude. I am aware of a party of reaction which seeks to deny women the exercise of their fundamental civic rights.

Kumar SHIB SHEKHARESWAR RAY: I rise to a point of order. Can anyone opposing female franchise be branded as belonging to a party of reaction?

Mr. PRESIDENT: There is nothing disorderly in Mr. Bose's remarks. It is merely a matter of opinion.

Mr. S. M. BOSE: I am aware of a party of reaction of which my friend, the Kumar Sahib, is a leader and which seeks to deny women the exercise of their fundamental civic rights. I wish to draw their attention to the fact that there is a general feeling all over the country that the rights of women should be recognized. Those who oppose their claim are deaf and blind, and are out of touch with the feelings of the people they claim to represent. But, Sir, this attempt to stem the tide of progress will be futile. The party of reaction crying to the incoming tide, "Thus far and no farther," will be swept away. Our cause is just, and the force of time is with us and we go marching on.

Mr. F. E. E. VILLIERS: Despite the fact, Sir, that I have the misfortune to be a bachelor, it is with a feeling of trepidation, almost amounting to panic, that I rise to address the House on this very vexed question, for I realize that in doing so, I am skating on very thin ice. Indeed, I hold that a question such as this should be argued out *in camera*, for to discuss whether the franchise should be extended to ladies in the presence of ladies, is, to my mind, very much the same as discussing in front of a hungry lioness as to whether or not she should be accorded

her long-delayed meals. Moreover, I know enough of women to know this much, that if they want the franchise, they will eventually get it. (Hear, hear.) There is, to my mind, no question at all that in many municipal matters women are not only as well qualified, but, indeed, very much better qualified to deal with than men are; this aspect has been expounded at some length by my friend, Mr. D. C. Ghose, who has accorded in detail to the fair sex these attributes. On the other hand, Sir, we must not think that the ladies are without their shortcomings; and in this connection I would remind my Hindu friends what one of the greatest of their Pantheon said—the great god Maheswara; for he, in discussing woman with his wife, Parvati, pointed out to her that woman was a mine of faults. Indeed, he went further, for he had the temerity to say that even she was a mine of faults, inasmuch as she was, as it were, the very incarnation of woman, and added that it was well that it was so, for had they not their faults, they would lose half their charm.

In the West we, too, recognize their fallability, for we have a doggerel in English which runs as follows:—

Oh, the neatness of a woman when she's neat,
Oh, the sweetness of a woman when she's sweet,
Oh, the sadness of a woman when she's sad,
Oh, the gladness of a woman when she's glad.

But the neatness and the sweetness,
And the sadness and the gladness,
Are as nothing to her madness when she's mad.

I would feel disposed, therefore, Sir, if only to avoid the dire madness, to support women being given the franchise; and indeed I have it very definitely in mind to support this so far as European ladies are concerned. But, here in India, there appear to be so many purely Indian *pros* and *cons*, so many side-issues of which the Europeans can in fact know nothing, there are so many delicate points trenching on the sacred intimacy of the Indian home, that it seems to me that this is a question that must be fought out mainly as between my Indian friends. And it is therefore, Sir, that as a European, I would suggest to my European non-official friends that they should abstain from voting not from any motive of cowardice, but on the ground that, in dealing with a subject of which we know so little and in view of the fact that the question is one which in all its essentials can only be adequately dealt with by Indians, we had better leave it to Indians to decide.

Professor S. C. MUKHERJI: I oppose all the amendments. I congratulate the Corporation of Calcutta on its decision to give franchise to our ladies. It is a matter of profound joy to me that there is at least one public body in Calcutta which has in it men with wise heads and

well-balanced judgment. Sir, the Calcutta Corporation deals with politics, but they are home politics—politics which concern us and touch us in every-day affairs of our life. One reason why we ought to have ladies either as voters or as councillors is that you will generally find that women possess a shrewd common sense, and, what is more valuable, they have a sense of the ludicrous. You will seldom find a woman who talks nonsense, while you will find in assemblies any number of men talking undiluted, arrant nonsense. Sir, I speak from experience. In our missionary councils, in our church committees, we have women sitting side by side with us, males, and discussing delicate and difficult problems of great complexity; it is a matter of privilege and pleasure to receive the solid and substantial contribution which they make to our deliberations. The arguments that have been set forth against women franchise are antiquated and antediluvian. They are as old as Noah's Ark. The modern age has exploded them, set them at naught. I am astounded to hear that women must remain at home and bring up children, as if, by coming into municipal councils, they are going to give up their looking after their household affairs, and will not bring up their children, attend to their husbands, fathers and sons and daughters. On the other hand, what do we find? We find that these are the very women who take greater interest in the education of their children, in the work of their husbands, and in their household duties. Again I say I speak from experience. I am not drawing upon my imagination, because I was brought up in a home in which the education of women played a most conspicuous part. In the proceedings of the Corporation I find that this motion was carried by 21 votes against 4. Well, Sir, if the municipal commissioners, after going into this question very carefully, have given their considered judgment that the enfranchisement of women will be of real benefit, why should we, the members of the Legislative Council, stand in their way and oppose this beneficent piece of legislation?

I oppose the amendments with all the emphasis that I command.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I am sorry I cannot support female suffrage. This question came up before the Council before this and I had the misfortune of opposing the resolution of my friend, Mr. S. M. Bose, at the time. Nothing has happened since then in the country to change my mind or change my ideas. I am opposed to female franchise because I do not find there is any general demand for it in this country on the part of our ladies. You can confer a right when there is a demand in the country for such a right or for such a privilege. I tell my friends either in this Council or outside this Council, "If there is a demand in the country for such a franchise give it by all means, but if there is no such demand, why should you try to thrust

females have been thinking of entering the Council or the Corporation after the Reforms have been introduced and after hearing or reading in newspapers about what the suffragettes have been doing in England, but before this did you hear of any enlightened female of this country ever thinking of entering the Council or the Corporation? At least I have not heard of it.

I should like to know whether it would not be more profitable to the country if the females who are now trying to enter the municipal councils, devoted their time and energy to the hospitals of Calcutta, which are numerous. I should like to see them nurse the sick and the wounded, like the "Little Sisters of the Poor." I should like to know if there is a single Indian lady who has devoted her time to any of the numerous hospitals in Calcutta. Why should not they try to spread education among the females? Why should the spread of female education be left to the males? What have the women done to spread it? In my opinion they have done very little. They can do much, but up to now they have done hardly anything. These are some of the grounds on which I oppose female franchise.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: It is said that we are heading towards "Democracy." I do not know if the term "Demos" includes women; but if it does, I think there is absolutely no reason why this privilege should be denied to the women of our country. Sir, my friend, Babu Rishendra Nath Sarkar, has quoted certain sentences from a book written by the late Frederic Harrison. There is also a very brilliant essay on the subject of female emancipation, written by John Stuart Mill, whose name, in the world of philosophy is well-known. It has been very ably pointed out that the grant of female franchise in respect of the Calcutta Corporation will be of the greatest service to us. This is a right which our womenfolk eminently deserve. Sir, it has been stated that they should devote themselves to social service, but it is not the work done by the Calcutta Corporation, or by any other municipality, social service too? If that be so, I do not know on what grounds we can deny them this privilege and right of franchise.

My friend, the Deputy-President, has complained that there is no demand for the franchise from the side of women as a whole, and that it is only since the introduction of the Reforms, that some of them are claiming it. That is his position. But, Sir, I say how many of your men demanded local self-government or, for the matter of that, the Reforms some ten years back? And not only that; we know for certain that a deputation consisting of very respectable ladies waited upon His Excellency the Governor for the extension of the franchise to them, and His Excellency expressed his sympathy for the movement. Not only that; it has been pointed out that this right—this privilege—has been extended to women in

other provinces in India and that Bengal is lagging behind; this is a standing disgrace to Bengal. Rai Dr. Haridhan Dutt Bahadur has said that there should be a sort of special electorate for women. I ask, "Why?" Special electorates are always objectionable. Not only that; all that we want is that these women, who claim to exercise this right, should know that this is not only a privilege to them, but a duty, for every right has its corresponding duty, and if this privilege is extended to women, I think they would be alive to their duty. In England, before this right was extended to women numerous women were doing excellent service and social work, and they have always been admired by men for this kind of service. During the war, like heavenly angels, they helped the wounded; and why should this right be refused to them? It is said that women are women, and men are men: that is so: but is there any difference in the "mentality" of men and women? Of course that is a very difficult question and I am not going to discuss it—there are some who say that women have no "souls" and therefore have no intelligence. That is a very futile argument. I do not think that any of the amendments that have been proposed can be supported on grounds of public policy. Then, as to the nuisance of canvassing by women pointed out by the Maharajadhiraja Bahadur of Burdwan; all canvassing is a nuisance, whether exercised by men or women. I know, whenever a man offers himself for election, there are often "women" canvassers engaged. From my experience, I have never found women canvassers a "nuisance." I do not know what is at the back of the mind of the Maharaja Bahadur. Some people do not like canvassers at all. If we give a right which is to be exercised by ladies, if it is a privilege or a right for which we are clamouring this kind of nuisance is inevitable in every representative institution; and it is a fact that the Corporation has supported the extension of the franchise by an overwhelming majority. If there are difficulties in voting and the ladies feel them, they are quite welcome not to vote, but those who are competent to vote and desire to do it under the existing law as well as under the proposed law should have the right of exercising that vote; and I do not see any reason why we should refuse them that right. I think, therefore, the recommendations of the Select Committee should be accepted.

Kumar SHIB SHEKHARESWAR RAY: This matter of female franchise had been discussed *ad nauseam* in this Council on a former occasion, and I hoped we then came to a finality in our decision for some time at least. And the Government in its original draft of the Bill had very wisely excluded the females. It is the Select Committee that in their effusive charity to women have inserted these things, only to rake up those old quarrels. Sir, I do not propose to reiterate those old arguments, for it is useless to try to convince those who are blinded by their own self-conceit of being so-called

are nothing but extreme reactionaries against their *Dharma* and *Samaj*. Sir, female franchise in itself would be a thing of very doubtful benefit, giving an undue advantage to those communities who do not observe the *purdah* over those who still do. For it is only in *bepurdah* houses along with one single male voter there would follow a host of "votresses" of wives, daughters, sisters, neices, aunts, mothers, mother-in-law, all possessing franchise by perhaps having motor cars, gharries, horses, and lap dogs registered in their own names. Mr. D. C. Ghose cited some instances from Bombay and Madras. The citations of these instances might spur the mettle of those who do not think for themselves but prefer to have their thinking done by the people of other provinces. Such citations might be of help to those who proceed not on conviction, but from a spirit of unthinking rivalry and are fonder of limitations than anything else. Considering our present social condition in Calcutta, I make bold to assert that we—I will not say the Hindus—the majority of the Hindus and those who call themselves true Hindus and Muhammadans would not now consent to female franchise and thus allow ourselves to be swamped by other communities whose voting strength would be doubled if not quadrupled by this one stroke of the pen. Sir, I therefore support the amendment moved by my friend, Maulvi Hamid-ud-din Khan.

Coming to the amendment of Rai Bahadur Dr. Haridhan Dutt, I am very glad to find—although I do not find him in his seat now—that he has opposed the female franchise in the general electorate. So if this amendment of his fails, I am quite sure he will vote with us. Sir, Rai Bahadur Dr. Haridhan Dutt seems to be obsessed with an idea that the males of the species can never represent the views of the females. He seems to think that their interests differ so widely that unless the ladies have a representative of their own sex, they never have their views represented. If that be his idea, Sir, then I think he is quite right in his own case, *i.e.*, he himself must acknowledge that by this he confesses not to represent the views of the ladies and that if we are to believe Mr. D. C. Ghose, a great champion of the ladies cause, the ladies themselves do not want what the Doctor asks us to grant them, namely, one single lady councillor elected by a ladies' constituency for the whole of the city of Calcutta. Sir, it might be assumed for the sake of argument that there is just possibility of a lady councillor being useful to the Calcutta Corporation. But what I wonder and fail to understand is how the Doctor Rai Bahadur could light upon the novel idea of a special female constituency. Of course I am in favour of representation of the minorities, but only when their interests differ a good deal from those of the majority. But, Sir, for whom is this female constituency meant? I think, Sir, that the interest of men do not differ so much from those of women, and for all practical purposes men do represent the ladies of their houses. And I might quote a line oft quoted by the champions of female suffrage

that they rise or fall together. Do I understand, Sir, that the Rai Bahadur's female constituency would consist of those females who hold views diametrically opposite to the views held by the male members of their families together with those women who have no men to protect them or to represent whom the men feel ashamed? Sir, if that be his idea, then I am afraid it would be a good thing for the Corporation to be rid of their elect. Or, Sir, if the Rai Bahadur thinks that ladies other than those so unprincipled or unprotected would come and vote in large numbers, then I am afraid that here again he expresses his ignorance of them. Most of the ladies in Calcutta being *purdah-nashin* ladies, they take no interest in all these municipal affairs, and if they do—they are very few in number—I dare say that they have so much confidence in their men that they consider themselves quite safe in reposing their trust in men. Thus, Sir, even if the Rai Bahadur's amendment be passed, so few ladies would exercise their franchise that their elect can never, in truth, be said to be the ladies' representative, but only of a very small section of them and then again we shall have another pretender in the Corporation who does not represent the majority of the electorate. Sir, I have no hesitation in admitting that if a suitable lady could be found, her services would be of immense help to our Corporation. But in the present social condition of our city, election is not the proper method to secure such a lady councillor. Rather, nomination is the best way to find a really useful lady councillor, and there is nothing in the rules to prevent the Government from making such a nomination. Sir, the learned Doctor's prescription is too bitter for us to swallow, and I oppose his amendment and maintain that a nominated lady councillor would prove far more useful than the elect of his queer amalgam of an all-Calcutta female electorate.

Babu AMULYA DHONE ADDY: I support the amendment moved by my esteemed friend, Rai Dr. Haridhan Dutt Bahadur.

[At this stage the Hon'ble the President left the Council and the Deputy-President took the Chair.]

Babu AMULYA DHONE ADDY: As the payment of municipal rates and taxes entitles a male person to vote, I fail to understand why the same payment should not entitle a female to vote at municipal elections. But I find that there are certain difficulties which stand in the way of entitling a female to vote. First of all, most of them are illiterate, secondly, some of the women, I am really ashamed to say, are of ill-fame; and thirdly, most of the females of Calcutta are either Hindus or Muhammadans who observe the *purdahnashin* system. These are the difficulties which stand in the way of our granting franchise to women. It may be argued that in Madras as well as in Bombay the females are allowed to vote; but I submit that there is no such *purdahnashin* system

either in Madras or in Bombay. It may also be argued that in Europe the ladies are allowed to vote; but there, also, none of the ladies observes the *purdah* and most of them are literate. I must say that Heaven has entrusted different duties to men as well as women. I am strongly of opinion that women are born mothers and therefore this franchise should not be thrust upon them——

Babu SURENDRA NATH MALLIK: I rise to a point of order. Are all women born mothers?

Babu AMULYA DHONE ADDY: What I mean to say is that specific duties have been entrusted to them. Sir, if this House is of opinion that women should be allowed to vote, I submit that a special constituency should be created for them. Looking at the practical aspect of the question, I do not think that the women, even if entitled to vote, would be in a position to return a woman councillor to the Corporation. Even in England, the women who are entitled to vote form about one-third of the total number of voters, but how many are actually returned by them? It is not more than three of the 670 members in the British Parliament. If that be the case in England, I am sure not a single woman candidate shall be returned in the Corporation of Calcutta. Women are not expected to know the qualifications of the male candidates, and the women councillors will be in a better position to ascertain the grievances of the women of Calcutta. Therefore, I would suggest to have a separate constituency for the females of Calcutta, but at the same time I must say that one seat is quite insufficient for Calcutta and the added area, and I would therefore have four seats for them.

Babu NITYA DHON MUKHERJI: Notwithstanding all the strong argument put forward by the supporters of female franchise in Calcutta, I have been able to muster courage to oppose it. The principal points brought forward by those gentlemen are four in number, viz.—

(*1*) What right have we to deprive the womenfolk of their legitimate right?

(*2*) That it may be that most of the ladies are uneducated, yet they will be able to use their discretion as voters in a far better way than many of us do here.

(*3*) That from experience it has been found that men as a rule talk more nonsense and irrelevant things, while the females as a rule never do so.

(*4*) That if the females are allowed to be voters and commissioners, they will discharge their duties to their parents, husbands, and others in a far better way than what they do at present.

The first point was put forward by Mr. D. C. Ghose; but may I know, Sir, how many ladies of Calcutta are represented by him? Most of the females of this big town are *purdah* ladies. They never come out and never mix with people; they even do not know that any such question of the right of female franchise is under consideration of this Council. Only a small fraction of the total number of ladies of Calcutta do not observe *purdah* and they mix with people, and so they may know the details of this question. But as compared with the total number of females of Calcutta, the number of these ladies is only a very small fraction and may be counted on one's fingers, and therefore Mr. D. C. Ghose's argument that females would be deprived of their legitimate right has no foundation on facts.

The second point was raised by Mr. S. M. Bose. If uneducated ladies are elected as municipal commissioners the result will be that they will, while in the meeting room, hold the papers containing the proceedings of meetings upside down, and at the time of giving votes they will raise their hands according as their friends advise them to do, on the same side as their friends will do, and this is perhaps the intelligent way in which my friend suggests that they will be able to use their discretion.

The third and fourth points were raised by Professor Mukherji, and I am glad that he is sitting here. Mr. Mukherji says that he has learned from experience that men, while talking together, talk a lot of nonsense and irrelevant things, while females never do so. Sir, we are not responsible for this experience. Mr. Mukherji is responsible for the company he keeps, which has induced him to experience such a state of affairs. Sir, I do not think you would rule me out of order if I say that if the females of this city come to know of this statement, they mght say that Mr. Mukherji has said what he himself was doing. Then as regards the argument that if they were allowed to attend municial meetings, they will be able to discharge their duties towards the members of their respective families in a far better way. What he says he speaks from experience. I think he must have had his experience somewhere outside India, because female franchise has only recently been given in India in some of the other provinces; so how can he say they will discharge their duties in a better way, unless and until he has earned his experience somewhere else?

My friend from Barisal supports this. He thinks that he is quite safe as he lives at a long distance from Calcutta and so he knows that his wife and daughters will not trouble him to get them elected as commissioners. His argument is of no value. There is another very practical point: it is a fact that only very few families allow their ladies to go out and take part in social or political matters; if that is so, only certain families will have a large number of voters, whereas in other families there will be a far less number. The best thing is for us to make more advance in female education, which alone can ultimately lead to the improvement of the whole nation.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I support the amendment moved by my friend, Maulvi Hamid-ud-din Khan. On the last occasion when this question came up for discussion, I expressed my opinion, and I have found no reason to change my opinion since then. It has been argued that when Europe and other advanced countries have extended the franchise to females, why should India not then imitate? I know the propensity of imitating, or rather aping, Western methods is very rampant in this country, but we do not imitate the good qualities of those countries. Now what are the circumstances under which this female franchise was granted in those countries? In Europe, there are fighting races, they fight with one another, they are decimated by war, and they have to take the help of females in their ordinary duties. And consider the circumstances under which England was forced to accord this privilege to her females. At that time England was engaged in war and many people were killed, and there was great need of help from females. The females were also then agitating over this matter and they were creating a situation which could no longer be borne. Under these circumstances the franchise was extended to them. But I find that people of high ideals now lament the circumstances under which they were forced to extend this privilege, because it appears that in many countries the females, by too much mixing with the males, are despising the virtues that are their *summum bonum*. They go so far as to deny themselves of the quality of motherhood. We read in newspapers that in France and other countries the authorities are trying their best now to keep females within due bounds with regard to wearing apparel, but cannot do so. So for various reasons these things have taken place in Europe. Why should we rush forward and imbibe those qualities and vices which we should avoid? In those countries females are advanced not only in education but in many other things. For generations past they have been mixing with men on a footing of equality. In those countries the *purdah* system is a thing which is quite foreign, and females identify themselves with various activities—social, political, religious, and what not. But if you allow promiscuity in India, many vices will creep into our society, both Hindu and Muhammadan.

[At this stage, the Hon'ble the President returned to the Chair.]

With regard to legislation, we must look to expediency, convenience and other things. If we take the population of Calcutta we will find that, except a few, the vast majority of females do not understand politics. They will not understand how affairs in themunicipality are conducted. There is no keen necessity felt to bring in females into the Corporation, although Dr. Dutt has said so. The Calcutta Corporation have been working for a long time, but none of them have ever felt the necessity of having a female in their midst. [Babu SURENDRA NATH MALLIK: Question.] If the acting Chairman questions it, he can have a female nominated, but why peep into the privacy of Hindus and Muhammadans?

Mr. Mukherji has said that men talk nonsense, while women never do so. Mr. Bose has said that there are women who manage their property well. I do not doubt it. But they are exceptions. And if Mr. Mukherji's contention is right, then why not reverse the position? Let men look after children and household affairs and women take to politics. But then society cannot go on. And unless our females are highly educated and made free, we cannot allow them the franchise. If you do away with the *purdah* system, then give them the franchise; otherwise not. As regards the unemployment problem——

Mr. PRESIDENT: Unemployment is not at all relevant to the female suffrage question, Khan Bahadur.

Khan Bahadur Maulvi WASIMUDDIN AHMED: Very well, Sir. With these words I support Maulvi Hamid-ud-din Khan's amendment.

Mr. J. CAMPBELL FORRESTER: I did not intend to speak on this resolution, but, Sir, when I find such a dearth of chivalry in this House, I feel I must raise my voice in support of woman suffrage. Sir, it is regrettable that this discussion is necessary at all. Yes, it is regrettable that we should be discussing this question, when all the civilized countries in the world have already freed their womenfolk and have given them the franchise. The principle of female suffrage has been accepted by them all. Sir, this Council has been crying for progress and more progress since its inception. Now, here is a practical step. Surely, it is a progressive matter to grant suffrage to the women, and it is a discredit to this country that we have not already granted them the suffrage. Why, Sir, we generally find, when men are congregated together their conversation is not of a very elevated nature, but as soon as the women join in, you will at once notice that their (the men's) conversation becomes animated and lifted to a higher level. The presence of the women invariably tends to bring the best out of them. When we get these lady municipal commissioners, as get them we will, then you will find that they will be of immense value in conducting the work of the Corporation. Sir, they have already proved themselves very useful in Corporation work at Home. They are helping in the welfare work of the children. They are assisting in the baby clinics, and their services are always valuable for the guidance of mothers in the rearing of children and they are also helping in the hospitals, and I certainly think that they will be of great assistance and raise the tone of the Corporation, when they are sitting alongside us on the Corporation Board. I am only surprised that we have not got them there already Sir, it is no use trying to stop progress. We also know the well-known adage that the hand that rocks the cradle rules the world. Then why endeavour to stop this powerful hand from helping you in doing good to the citizens of Calcutta? I hope that this Council will show once

for all that it is sincerely progressive. There has hardly been a resolution before the House where the word "progress" has not been used in argument, and this is an opportunity of proving that we really mean progress by allowing women to vote.

Rai JOGENDRA CHUNDER GHOSE Bahadur: The proposal to grant the franchise to females of Bengal has proceeded from unjustifiable ignorance of the conditions of our society and from a desire to apply abstract ideas derived from reading a few foreign books to our community, when such application would be positively harmful. I agree that there should be no disability, social or political, for females as females. Women have a just claim to all rights possessed by men in property and other matters, including even the right to choose and discard their mates. They have every right to equal facilities, indeed to greater facilities, for education. They have every right to greater leisure and to be comfortably supported by their husbands and fathers, for they are the mothers of the race, glorified above all others, higher than heaven itself, says a well-known Sanskrit text. They have every right to freedom and the *purdah* should be abolished. But as long as the *purdah* prevails among Hindus and Muhammadans, it is only women of a certain description who will enjoy the franchise, to the detriment of the entire society. No invidious distinction can be made on that score, so there is no alternative but to negative the proposal. But certainly there is no reason to deny the franchise to females of the Brahmo, Christian and other communities other than Hindu and Muhammadan. I do hope, if this original proposal of the Minister be rejected, which ought to be and which must be rejected, the Hon'ble Minister will be pleased to accept the suggestion to make a slight modification by simply adding "females other than Hindu and Muhammadan." As regards granting the franchise to graduate ladies, there can be no reasonable objection, and I strongly support the amendment of Raja Reshee Case Law. Education obliterates all differences of status between man and man between woman and woman, and also between man and woman, irrespective of race, caste, colour, and creed. It prevails against all differences of station, of wealth, honour, high places, and power between man and man. A dark Sudra lady graduate is higher than the highest-born Brahmin lady. You may have heard of the poetess Phyllis Whately Black, daughter of the Sun, who was torn from her homes in the wilds of Africa, who extorted the homage of scholars and writers of two continents. The distinction of colour and creed, race and sect disappear in the bright realms of learning, where truth and beauty reign supreme.

Babu ANNADA CHARAN DUTTA: We have gone into the *pros* and *cons* of the issue before the House. The real issue before the House is whether women should be granted the franchise at municipal elections, and the side-issues are whether one of them should be a

councillor by way of communal representation, or by election with an additional qualification of being a graduate. If the original proposition is carried, other points will arise. As to the original proposition, some of the gentlemen have waxed eloquent in trying to shut out women from exercising the franchise. It appears to me that the main principle upon which this franchise is proposed to be given to the women has been lost sight of. The criterion of exercising or giving this power of voting is the holding of some property and the payment of some taxes to the municipal coffers. If that is allowed by your municipal law, certainly any person who comes under that standard is entitled to exercise franchise at municipal elections. If that is so, there is ordinarily no reason why the womenfolk should be shut out. It is a fact that absolutely illiterate and ignorant people, having some property qualification, have been given the franchise for the election of the members in this very Council. The same difficulty as to the identification was felt even at the time of the last general election for Council, and probably, in many instances, this could not be overcome. But that was never considered the reason to shut out these people. Rather it was understood that the more they would be given opportunities the greater would be their training and understanding as to what franchise was. If that is true, then the franchise should be extended to women as well. The argument that some of those ladies who have property and who make payments to the municipal coffers are either illiterate or are under the influence of their stronger partner does not stand at all and falls to the ground. Further, I have heard with all attention the speeches of some of the hon'ble members here, for whom I have the greatest respect, who have opposed it. What I have been able to gather from their speeches is this: That those Mussalman gentlemen who are very much fond of the *purdah* system and those Hindu gentlemen who have imitated their Mussalman brethren, to whom the origin of the *purdah* system in Bengal is due, find it very difficult to do away with the *purdah* or to take away the screen from their womenfolk. We have already succeeded in keeping half of our population—the mothers who have got to bring up our children in the idea of citizenship (these are the words I have just now heard)—wives and sisters who will minister to our happiness, health and prosperity and in all matters, not only in case of illness but in other things as well—within the four boundaries of our home, but in any other matter which concerns this mundane life, including civic and political as a whole, well, we have already kept our womenfolk in abject darkness. If you really have respect for humanity, you should not keep your womenfolk behind the screen any longer, to the ruin of half of our population and detriment to the best interests and welfare of our people.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: May I rise to a point of order, Sir? Is the hon'ble member addressing the House or the Chair?

Babu ANNADA CHARAN DUTTA: I am addressing the Chair and not the House. So the whole question is that if the idea of nationhood is to grow—if you want to march onwards to progress—if you want to go abreast with times and with peoples of other civilized countries——

Mr. PRESIDENT: Annada Babu, you had better address in an indirect way. I know it is difficult, but you had better not use the word "you," etc., too frequently, but try to adopt an indirect form.

Babu ANNADA CHARAN DUTTA: Very well, Sir. We must resist the temptaion of keeping our womenfolk in abject darkness and must allow them to take a share in our civic administration of the city. I quite appreciate the difficulties of a certain section of the community. I too observe the *purdah* system. But option is given here, and there is nothing to force me to take out my ladies if I am really fond of the *purdah* system. I say we are quite at liberty to do that. So the question of nuisance, as some of the hon'ble members choose to think, it will create, does not arise at all. It is entirely optional, and it is only intended for that section of the community who really want the franchise. That section as has already been admitted on all hands, is quite capable of exercising the franchise. Well, is there any earthly reason why we should shut out those women from voting? Franchise is meant only for that section of the community which is intelligent and educated and possesses all the necessary qualifications as voters. I might say here in passing that one of our Bengali girls, Sarojini Naidu, has been elected a councillor at Bombay. If we get one like her, should we not be proud? Is it not a pity that without giving our womenfolk any opportunity of proving their capability of exercising their votes, we are discussing and have already, I gather, taken it for granted that they are unable to exercise that function? I am afraid I do not understand the reasonableness or otherwise of that argument. In Calcutta there are many females among Hindus and Muhammadans, other than Brahmos, Christians and Anglo-Indians, who do not not observe the *purdah* and are anxious to take an active part in the civic life of the city. Is it right and proper, therefore, to deny them the franchise which they are so anxious to have? Take female education in Bengal. In the days gone by, when the question of female education was first mooted, strenuous objections were raised to its extension for reasons not unknown to the members of this House. But those days are happily dead and gone, and I hope and trust that the days of opposition to female emancipation will also meet with the same fate; and I am confident that sooner or later the franchise will have to be given to women.

Kumar SHIB SHEKHARESWAR RAY: I move that the question be now put.

Mr. PRESIDENT: Not yet: I call upon the Chairman of the Calcutta Corporation to speak.

Babu SURENDRA NATH MALLIK: I am very glad that I have got an opportunity of expressing my views—I mean my own views—which are certainly in support of women's suffrage, as well as the views of the Corporation which I represent here and which are also strongly in support of that view, that votes should be given to women. Sir, to my mind the question has not been looked at from the proper point of view by this House. The question is not whether we should grant women the vote. But the question is, what right have we to deprive them of the vote? The Corporation are demanding it. They say that the women are as much ratepayers as men. What right have we to deprive them of their inherent right of voting as ratepayers? Sir, that is the whole question. Why should we, who are sitting in this House to make laws for the country, say that women should not have the vote? What right have we to do that? Is there any reason for doing that? In the Corporation we take money from women as rates and taxes and we feel that we are bound to give them the vote—the ordinary right of ratepayers. The whole question has been looked at from the opposite point of view, namely, whether we should give them the vote; but I ask, have we any right to deprive them of the vote, when we are taking money from them? Are you prepared not to take any money from women landowners and house-owners? If not, then you have no right to deprive them of the power—of the privilege of voting. Justice demands it. When you tax them, you must give them the privilege of voting. Taxation is the only basis of franchise in the Corporation.

This matter was discussed in 1921 on a resolution moved by Mr. Bose. That was thrown out. And I quite understand it, as there were various considerations involved therein affecting various communities in the mufassal. Last year a similar motion by Mr. Stark for the enfranchisement of the womenfolk of his community was also thrown out. This is the third time that the matter has been discussed. In 1921 we had Mr. Bose's motion. That was thrown out by the Council on various considerations urged by various communities. Last year Mr. Stark brought a motion for giving the franchise to the women of his own community—European and Anglo-Indian ladies, and that was even turned down. Does it now lie in the mouth of my friend, Rai Jogendra Chunder Ghose Bahadur, to say that if you give the franchise to women other than Hindu and Muhammadan, then that will be acceptable? Mr. Stark wanted the franchise on behalf of the ladies of his own community, his sisters, daughters and others, and what right had you then to turn that down? Was that justice, or simply because you had the force of numbers behind you and you did not hesitate to perpetrate an injustice? The real cause of the opposition, looking from every point of view, is the *purdah*, *purdah* and *purdah*, and nothing else. You

analyse the whole thing from the beginning to the end, and you will find that the only objection is the *purdah*. There seems to be something like an impression that we in the Calcutta Corporation have got a set of inspectors to drag out the *purdahnashin* ladies and to take them by force to the polling booth These gentlemen will forget or choose to forget the elementary principle that it is wholly optional. You may not go, and nobody asks you to go. If for reasons of *purdah* or illness or otherwise any lady does not wish to go there, she may not go, it is purely optional. Then why raise the question of *purdah*? Those who observe the *purdah*, let them not send their wives, sisters and daughters, but what right have you to shut out those communities who do not observe the *purdah* the Indian Christian, the Brahmo, the Jewish, the Anglo-Indian and other communities? You want the franchise for yourselves, but you will not extend it to your own mothers, sisters and daughters, though they have an incontrovertible right to it. Shame, to say the least of it!

It has been asked by my friend, Babu Surendra Nath Ray, how many people want it? This is the old bureaucratic argument against the extension of the franchise. There are 47 millions of people living in this country, and how many of them wanted this extended franchise? Not even in a thousand. And why have they still been given the franchise? I am with no less a man than Gladstone himself in this contention. He said: "Never mind whether the people want it or not, give it to them, it will do them good." That is the point from which we have to look at it Can my friend say how many of these 47 millions were anxious for the Reforms which have brought us here? That is an idle contention. If you do not want to give a thing, come straight and say so and finish—say that you will not do justice. It is known that this Council is against women—it is an anti-women Council—and useless a man has got a lot of time to waste, he would not condescend to have a debate on this subject over and over again here. We know the feeling behind you, and that is *purdah*. Why raise these unnecessary questions? The present question is not at all political. The question is not whether women should have the vote in Council elections and things of that kind. It is purely a municipal question. We, the people of the Calcutta Corporation, want the assistance and co-operation of our sisters, mothers and wives in our every-day work. My friend, Khan Bahadur Wasimuddin,—with the greatest possible respect for him—has not got the same outlook for civic duties as we have here. We do not think that we finish our work by putting a dim kerosene oil lamp at every quarter of a mile or repairing or rather clumsily patching a road once in 12 years. That is not the municipal idea which we cherish here. We have taken upon ourselves many important duties for the performance of which the assistance and co-operation of our sisters, wives, mothers and daughters are of the greatest necessity. We have taken over the charge of the maternity homes. Who can help us more than

the mothers of the city? Who can take a greater pride in this work than these ladies? We have taken upon ourselves the work of lady health visitors who go about in *bustees* and look after the mothers and babies in the lying-in rooms and all that, and who can possibly inspect this work better than our ladies—our mothers, sisters and wives? Then, Sir, we have got our baby clinics. Is it possible for me or Dr. Haridhan Dutt and others to go round and see that this work is properly performed? It is only through the co-operation of ladies that we are able to run it. This is the work of the mothers of the city. Why these mufassal members object to this I cannot for a moment see. We work in this city according to our own ideas, and I do not see the slightest reason why they should come and object on the ground of *purdah*. We do not want anybody to be dragged out of *purdah*. But what right have you to prevent those who are anxious to come to help us, who are anxious to join us and discharge their civic duties as citizens of this great city? The question arises, not whether you should give them votes but, honestly speaking, whether you have any right to deprive them of the glorious opportunity which the municipal life of Calcutta affords them to take their proper part in the civic duties of this great city. You want justice from Europeans—from a foreign Government, but when the question arises of doing justice to your own mothers, sisters and daughters, you are against it. If you act like this, you will never succeed. Providence will be against you.

Then, Sir, I come to Dr. Haridhan Dutt's suggestion that one lady should be on the Corporation. This proposition is, *prima facie*, very tempting no doubt as it goes, but apart from the other merits of the case which I need not discuss here, I think it will be exceedingly unfortunate to ask one lady only to come and sit. You are going to have 80 or 90 men; is it fair that you should ask only one lady to come? Then there are others who say: "Give it only to those ladies who are graduates." I cannot understand these people. Why do you not come out of the shell altogether? I do not like this peeping from just the mouth of the shell. Come out and say you want to do this. There is no charm in graduates. We have, for instance, in our Corporation lady doctors—ladies who have passed from the Campbell School—earning Rs. 200 to Rs. 300 a month. Are these ladies less qualified than lady graduates to vote? Then again lady teachers, who may not be graduates. Then we have Anglo-Indian ladies working in various capacities. How can you shut them out? How can you make a distinction? There cannot be any half-way halting house in this matter. You are not doing justice to the sex of which you are born.

Raja RESHEE CASE LAW: May I point out one thing? Babu Surendra Nath Mallik has made a mistake. I did not say anything about the franchise. I only said that in the matter of councillors and aldermen, lady graduates should be eligible.

Babu SURENDRA NATH MALLIK: Rai Bahadur Jogendra Chunder Ghose said this.

Raja RESHEE CASE LAW: He may have said so, but I did not say anything.

Babu SURENDRA NATH MALLIK: I did not name anybody. However, I take them in a lump and consider them all to be equally unreasonble. Come out of the shell straight. We in the Corporation discussed this question and carried it by 22 votes against 3 or 4; we have reiterated again and again that it would be of immense good if we have ladies to help us in these important matters, and if we, the citizens of Calcutta, want it, if those who do not want the *purdah* want this, what right have you to say "No" to that? Mr. Stark's motion to give the franchise to Anglo-Indian and European ladies was turned down for no reason whatsoever. If they want it, what is the reason for your turning it down? The only reason at the back of this opposition is *purdah*. The rest of the ingenious arguments that have been adduced are mere eyewash and pure moonshine. Nobody is going to take away your *purdah* at all. It is purely optional, there is no compulsion. In the case of men, only 30 of 35 per cent. go to the polling station. Therefore the argument that a few ladies only would care to exercise this franchise does not hold good. Then so far as your other grounds for objecting are concerned, they are hopelessly hollow. You simply do it because you know that you are in the majority—because you know that you can trample down the rights of the other sex. I, therefore, wholeheartedly support the claim of the Corporation that women should have votes. I wholeheartedly support what is in the Hon'ble Minister's Bill, that women should have votes.

The Hon'ble Sir SURENDRA NATH BANERJEA: As Member in charge of the Bill, I support the proposals set forth in the Bill and oppose the amendments which have been placed before the House. Sir, the Bill proposes—and I am in entire sympathy with the recommendation—the removal of the sex disqualification which has long been in existence. Now, in regard to this disqualification, so far as town municipal bodies are concerned, we find that in Bombay, in Madras, in the United Provinces, and in Bihar it is non-existent. In Bengal alone, the premier province, which for generations has led the political thought of the country—in Bengal alone this disability prevails. I hold that if you impose a disability or continue it, the burden of proof is upon you. You are to show that the disability ought to be there, that you are justified in tampering with an inalienable right which belongs to a particular class. Have you done this, have those who oppose the proposition—the recommendation of the Select Committee—have they made out a case in that respect? The burden of proof is upon them—the responsibility is theirs. Have they discharged that responsibility? In

none of the speeches to which I have listened to-day has a word been breathed to justify this disability. Can anybody come forward with any argument why this unnatural disqaulification should continue? I can conceive of only one or two arguments in support of that view. For instance, it may be said that if women are withdrawn from their domestic functions, their household duties would suffer. I dissent from that view altogether, and if you analyse it you will find it to be unsound. The more women mix with the outward world, the broader becomes their outlook and the more qualified they become for the discharge of their domestic duties, upon which the happiness and prosperity and the health of the community depend. There is one thing in regard to our womanhood which may be a matter of just complaint, a matter of just grievance with us. It is alleged that their outlook is narrow, that they do not take broad views of things, and that they do not always show the commonsense which a knowledge of affairs would engender and foster. I am afraid, Sir, there is some justification for that view, but why should it be so? Why should their outlook be narrow, restricted, confined? Simply because we restrict them to heir household and domestic duties and do not offer them the opportunities of mixing with the outward world and of identifying themselves with those activities which would widen their outlook. I am sure that so far from this disability being continued, the argument is overwhelmingly strong that it should be at once removed. But my friend to the opposite, the Deputy-President says—there is no demand for it, they do not want it. Whether there is a demand or not, here is a matter of right and justice which has to be performed. Demand or no demand, do justice to the women of our country. A progressive Government does not stop to look at demands—it goes on under the impulses of its own beneficent and progressive policy. Was there any demand for the establishment of the Medical College in Bengal in the year 1833? No: not only was there no demand, but there was abhorrence for medical education at the time when the Medical College was established. Let me relate an incident in my own family. My father was a medical man: he was a high-caste Kulin Brahmin. My grandfather raised serious objections to his being admitted to the Medical College, and you will remember, and it is a historical fact, that when Madhu Sudan Gupta for the first time dissected a dead body the batteries of Fort William thundered forth a salute in honour of the event. Therefore the question is not whether there is a demand or not, but whether it is right and proper that we should remove this disability from the women of Calcutta. Sir, further there is this fact. The Corporation of Calcutta wants it and that body is the best judge in this matter. They are the representatives of the people of Calcutta. They believe and they say that by associating women with their work, their duties would be more satisfactorily performed. Have you any right to say "No" to that view? Do you or do you not want the efficiency of the Calcutta Corporation to grow and increase? Those who are in charge of the Corporation tell

you that by the co-operation of women their duties would be more satisfactorily performed. What right have you to say "No" to that view, to intervene or to disregard that advice? I hope the Council will respond to the demand of the Corporation. You are at the present moment enacting or about to enact perhaps the most progressive piece of municipal legislation in India, and will you allow a blot of this kind to tarnish the pages of the municipal law, namely, this disability imposed upon women? I am sure the members of this Council, even my friend, Kumar Shib Shekhareswar Ray, whom I do not see in his place, Hindu and Muhammadan, orthodox and heterodox, all inspired by the common desire to do justice, all animated by the common impulse to help forward the work of the Corporation, will remove this disability with one voice and will not allow their private and personal feelings to interfere with the discharge of this solemn and sacred duty.

I trust therefore that all these amendments which have been proposed will be rejected. There is no occasion whatsoever for making a distinction between literary women and women who are not literary. I think some one said—I think it was Professor Mukherjee—in the course of the discussion, that our women may be illiterate, but their common-sense and shrewdness are marvellous. There is no distinction in our municipal law between literate and illiterate men. Then why should you make a distinction between literate and illiterate women? Therefore that amendment which seeks to make such a distinction should go, and as regards the amendment of Rai Dr. Haridhan Dutt Bahadur, I desire to say that we can have no separate electorate for women. That would be against the spirit of the legislation upon which we have embarked. My friend, Mr. S. N. Mallik, has pointed out why one seat for women should not be reserved. They may claim more seats and they may be entitled to more than half a dozen seats. It would be an act of injustice if you reserve a single seat for them. Therefore, Sir, on all these grounds I oppose the amendments. I once more appeal to the House to rise to the height of the occasion, to open a new chapter in the municipal history of the city and to make this a red-letter day in the annals of the Legislative Council by removing this great disability and doing the justice to which the women of the city are fully entitled.

The motion that clause 21(*1*) (*a*), namely, "(*a*) is a female; or" be reinserted, was then put and a division taken, with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Barma, Rai Sahib Panchanan.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Rasulan.
Chowdhury, Maulvi Fazlul Karim.

Ghose, Rai Bahadur Jogendra Chunder.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Makramali, Munshi.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Roy, Babu Jogendra Krishna.
Roy, Maharaja Bahadur Kshaunish Chandra.
Ray, Mr. Bijoyprosad Singh.
Salam, Khan Bahadur Abdus.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Dr. Hassain.

NOES.

Addy, Babu Amulya Dhone.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Bahadur Abinash Chandra
Basu, Babu Jatindra Nath.
Bentley, Dr. C. A.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panindralal.
Deare, Major-General E. H.
DeLisle, Mr. J. A.
Dutta, Babu Annada Charan.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Lang, Mr. J.
Malik, Babu Surendra Nath.
Mitter, the Hon'ble Mr. P. C.
Mukherji, Mr. S. C.
Mukherji, Professor S. C.
Raheem, Mr. Abdur.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Nath.
Ray, Babu Nalini Nath.
Roy, Mr. C. N.
Roy, Mr. J. N.
Roy, Rai Bahadur Lalit Mohan Singh.
Sarkar, Babu Jogesh Chandra.
Sen, Babu Mani Lal.
Stuart-Williams, Mr. S. C.

The Ayes being 33 and the Noes 33, the President gave his casting vote against the motion, which was lost.

The Council was then adjourned for 15 minutes.

After the adjournment.

The motion that clause 19(*l*) (*a*), namely, "(*a*) is a female; or" be reinserted, was then put and a division taken, with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Nasim.
Barma, Rai Sahib Panchanan.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Das, Babu Bhishmadev.
Ghose, Rai Bahadur Jogendra Chunder.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Makramali, Munshi.
Mullick, Babu Nirode Behary.
Nasker, Babu Hem Chandra.
Rahim, the Hon'ble Sir Abd-ur-
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Rishi, Babu Rasik Chandra.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoyprosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Sarkar, Babu Rishindra Nath.

NOES.

Aley, Mr. S. Mahboob.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Bahadur Abinash Chandra
Basu, Babu Jatindra Nath.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.

Chaudhuri, Babu Kishori Mohan.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Fanindralal.
Deare, Major-General B. H.
DeLisle, Mr. J. A.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutta, Babu Annada Charan.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Maitra, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Mukherji, Mr. S. C.
Mukherji, Professor S. C.
Raheem, Mr. Abdur.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Nalini Nath.
Roy, Mr. G. N.
Roy, Mr. J. N.
Sarkar, Babu Jogesh Chandra.
Sen, Babu Mani Lal.
Stuart-Williams, Mr. S. C.

The Ayes being 24 and the Noes 36, the motion was lost.

Mr. PRESIDENT: The amendments Nos. 142, 134, 84, 128 and 702 consequently fall to the ground. The House will now take up Chapter VII, Part III, section 101. We will continue where we left off last night.

Raja RESHEE CASE LAW: May I draw your attention to my amendment No. 142? It is quite distinct from the other amendments.

Mr. PRESIDENT: I am afraid it is not. I was very anxious to give it an opportunity, but I am afraid it is included in the other amendments. Women have been admitted without restriction to the franchise and so also to election.

Raja RESHEE CASE LAW: But there should be a limit as to the women coming in. That is my amendment. It is quite distinct.

Mr. PRESIDENT: Yes, Raja Sahib, you are right because your amendment tends to restrict the general proposition which the Council has just carried.

The motion that for clause 19(*1*) (*a*) the following be substituted, namely, "(*a*) is a female other than a graduate of any University; or" was then put and a division taken, with the following results:—

AYES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Barma, Rai Sahib Panchanan.
Chaudhuri, Babu Kishori Mohan.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Ghose, Rai Bahadur Jogendra Chunder.
Law, Raja Reshee Case.
Maharmati, Munshi.
Ray, Babu Surendra Nath.
Rishi, Babu Nasik Chandra.

NOES.

Addy, Babu Amulya Dhone.
Ali, Mr. Syed Nasim.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Banerjea, Rai Bahadur Akhoych Chandra.
Basu, Babu Jatindra Nath.
Bentley, Dr. C. A.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Maulvi Shah Muhammad.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
Deare, Major-General B. H.
DeLisle, Mr. J. A.

Donald, the Hon'ble Mr. J.	Mitter, the Hon'ble Mr. P. C.
Emerson, Mr. T.	Mukherji, Mr. S. C.
Forrester, Mr. J. Campbell.	Mukherji, Professor S. C.
Ghose, Mr. D. C.	Raheem, Mr. Abdur.
Goode, Mr. S. W.	Ray, Rai Bahadur Upendra Lal.
Hornell, Mr. W. W.	Roy, Babu Nalini Nath.
Huntingford, Mr. G. T.	Roy, Mr. G. N.
Khan, Maulvi Md. Rafique Uddin.	Roy, Mr. J. N.
Lang, Mr. J.	Sarkar, Babu Jogesh Chandra.
Mallik, Babu Surendra Nath.	Sarkar, Babu Rishindra Nath.
Marr, Mr. A.	Sen, Babu Mani Lal.
McAlpin, Mr. M. O.	Stuart-Williams, Mr. S. C.

The Ayes being 12 and the Noes 37, the motion was lost.

Mr. PRESIDENT: I wish to point out to hon'ble members that they should not try to get out of the Council Chamber after the order to lock the doors is given. Rai Dr. Haridhan Dutt Bahadur did it on this occasion; he is not here now, but I will allow his vote on this occasion. Members doing so will in future have their votes disallowed.

The other amendments, as I have previously mentioned, fall to the ground.

Dr. PRAMATHANATH BANERJEA: I move that in clause 101(2), lines 5 and 6 after the words "an increase of the rates" the words "or borrowing" be inserted.

The object of this amendment is to provide for borrowing in certain cases. It may not be possible, on every occasion on which there may be an unexpected deficit, to levy fresh taxation; and to cover such exceptional cases I wish to provide that the Corporation should be allowed to borrow. Well, of course, such an instance would be a very special one, and borrowing in such a case would in my opinion be a more desirable method than an increase in the rates.

Babu SURENDRA NATH MALLIK: I am sorry I have to oppose this amendment because it is introducing a very dangerous principle. For your ordinary works you can borrow; works which have to be met out of the revenue ought not to be met out of the loan funds which are quite different and have specific objects. These are covered by section 102. In the chapter on loans the hon'ble member will find that no portion of any sum of money borrowed under clause (*a*) of section (*1*) shall be applied to the payment of salaries or allowances to any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed. You cannot very well put in the word "borrow" and go on for spending for ordinary works from loans that will be quite a dangerous thing.

Rai Dr. HARIDHAN DUTT Bahadur: I want to point out that it need not be so very dangerous as my friend, the acting Chairman, thinks. When the Corporation is allowed to borrow, certainly it

must be within its borrowing capacity. Well, that would be the safeguard. Certainly the Corporation cannot be allowed to get into debt without any limit and my friend knows full well that there is a limit to the Corporation's borrowing capacity and it must always remain within that limit. That being so, a contingency might arise when taxation would not be desirable and when an increase in the rates would also not be desirable, so the third alternative, which my friend, Dr. Banerjea suggests, may be inserted. I hope that there will be no necessity for falling back upon this resource, but there is no objection to have the resource there. I would only add that the Corporation should have recourse to that only when that becomes absolutely essential.

Babu AMULYA DHONE ADDY: I beg to support the amendment moved by Dr. Pramathanath Banerjea. I do not think it will be a dangerous weapon in the hands of the Corporation. Of course even if the Corporation resolves to borrow, it is subject to the previous sanction of Government. Therefore, unless there is any special reason to the contrary, I think the Government will not sanction it. Dr. Banerjea has proposed an alternative to supplementary taxation. Is it not desirable to meet the deficit by borrowing for the time being instead of levying supplementary taxation, viz., taxation in addition to the municipal rates which may reach 23 per cent.? Otherwise it will create a great dissatisfaction in the minds of the taxpayers.

Babu DEBI PROSAD KHAITAN: I have only one word to add to what my friends, Rai Dr. Haridhan Dutt Bahadur and Babu Amulya Dhone Addy, have said. Suppose, in the course of the year, it so transpires that there is no money for capital expenditure. It is recognized by my friend, Babu Surendra Nath Mallik, that for capital expenditure borrowing may be resorted to. There is no knowing that during the currency of any particular year, money will be found for meeting the capital expenditure, but without accepting the amendment proposed by Dr. Banerjea the Corporation will not be able during the currency of any year, to resort to borrowing. I hope that Government will be pleased to consider this part of the case and will make it permissible to the Corporation to resort to borrowing during the currency of any year. It does not mean that borrowing would be resorted to when it is not justified or for purposes for which borrowing is not financially expedient. In the circumstances, I do not see that there is any danger in accepting the amendment of Dr. Banerjea, rather the Corporation may be put to some difficulty if the amendment is not accepted.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am sorry that I must dissent from the views which have been expressed by the previous speakers. I think that it is wrong in principle and mischievous in practice to borrow for the purpose of meeting current expenditure. I was a bit surprised, I must say, that a distinguished economist like my

friend, Dr. Pramathanath Banerjea, should countenance a proposal of this kind involving a principle which is fundamentally wrong. I cannot, therefore, accept the amendment of my hon'ble friend. I just want to point out a safeguard which the Bill provides, viz., in teh case of supplementary taxation a majority of two-thirds of the members voting would be required. Thus an adequate safeguard is provided, but at the same time Government think that borrowing should not be allowed for a purpose of this kind. I therefore oppose the amendment.

The motion was then put and lost.

Dr. PRAMATHANATH BANERJEA: I beg to move that in clause 101(2), proviso, line 4, for the word "two-thirds" the word "three-fourths" be substituted.

My object in moving this amendment is to make it more difficult than it would be under the present provisions for the Corporation to levy supplementary taxation. Well, it is easier, as everybody knows, to get a two-thirds majority than a majority of three-fourths in favour of a motion at a meeting of the Corporation. I do not wish the Corporation to impose light-heartedly further taxation on the people of Calcutta. That is my object in moving this amendment which, I hope, will commend itself to the Council.

Babu SURENDRA NATH MALLIK: From practical experience I have got to inform hon'ble members that three-fourths is an absolutely hopeless state of affairs. A two-thirds majority is what we have been all along working upon. It is very difficult to get a two-thirds majority and that is the source of safety. But if you make it three-fourths you will hardly be able to get anything done. Those who have experience of the work in the Corporation will be able to inform you that a three-fourths majority is a hopeless impossibility and it should not be accepted.

Rai Dr. HARIDHAN DUTT Bahadur: I want to supplement what has already fallen from Babu Surendra Nath Mallik by saying that the safeguard for which my friend, Dr. Banerjea, is anxious already exists. A two-thirds majority ought to be taken as a sufficient safeguard, especially in a case where taxation will be decided. Most of the councillors will, as representatives of the taxpayers, not easily yield. Now that a new constitution is going to be introduced, the nominated councillors are also going to be reduced, and I do not think that there is any risk of the representatives of the taxpayers voting for increased taxation very willingly. Therefore, a two-thirds majority ought to be considered as quite a sufficient safeguard and I hope my friend will accept that.

Babu AMULYA DHONE ADDY: I beg to support the amendment. I am strongly opposed to supplementary taxation, viz., taxation in addition to the municipal rates which can reach up to 23 per cent. If

there be a deficit in the budget I think the best course will be for the Corporation to reduce their expenditure instead of having recourse to additional taxation. Therefore, it is absolutely necessary that if supplementary taxation be levied, the majority should be three-fourths and not two-thirds.

Babu DEBI PROSAD KHAITAN: May I add only one word to what Rai Dr. Haridhan Dutt Bahadur has said. My friends, Dr. Banerjea and Mr. Addy, are apprehensive that municipal commissioners will presumptively be in favour of fresh taxation and that, therefore, they want a three-fourths majority. It is well-known that by the increase of taxation, municipal commissioners, their friends and relatives, will be as hard hit as anybody else, and therefore, the presumption ought to be that municipal commissioners would vote rather against the levy of fresh taxation than in favour of it. It is now rather difficult to get even a two-thirds majority in the greatest necessity. In the circumstances to make it three-fourths instead of two-thirds will be simply to make the work of the Corporation absolutely impossible.

The Hon'ble Sir SURENDRA NATH BANERJEA: For the reasons put forward, Government oppose this motion.

The motion was then put and lost.

Babu AMULYA DHONE ADDY: I move that in clause 104, line 6, for the word "ten" the word "fifteen" be substituted.

Under clause 104, the borrowing powers of the Corporation shall be limited so that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds shall not exceed 10 per cent. on the annual rateable value of land and buildings as determined under Chapter X. My suggestion is that instead of 10 per cent. it should be 15 per cent. Sir, it will appear, from paragraph 14 of the Administration Report for the year 1920-21, that on the basis of 10 per cent. on the annual rateable value of lands and buildings of Calcutta, the legal borrowing power of the Corporation was, on the 1st April, 1921, two crores and a half. If the said rate is increased from 10 to 15 per cent., the legal borrowing power of the Corporation would go up to more than five crores of rupees. It is desirable that the said borrowing capacity should be increased, as the Corporation has just sanctioned an estimate of two crores and thirty-nine lakhs of rupees for the improvement of the water-supply and is likely to incur an expenditure of more than a crore of rupees for the improvement of drainage. It is for want of finance that the Corporation has not been able to open out roads, and the Improvement Trust shall have also to incur a heavy expenditure for the improvement of Burrabazar.

I admit that the actual borrowing capacity of the Corporation is at present less than the legal borrowing capacity, but the Corporation can

increase the actual borrowing capacity by increasing the rates, which is not desirable. It is only the other day that we have amalgamated the municipalities of Maniktala, Cossipore and Garden Reach with that of Calcutta, and we have already prepared an estimate for the improvement of water-supply, drainage and lighting in Maniktala and Cossipore municipalities, aggregating to more than 90 lakhs of rupees, and I am sure we shall have to spend about 20 lakhs for the improvement of the water-supply and drainage in the Garden Reach municipality. Therefore, for the amalgamation of these three municipalities we shall have to incur an expenditure of more than one crore of rupees, and therefore, I think, that it is absolutely necessary that the borrowing capacity of the Corporation should be increased, and I make my suggestion accordingly.

Dr. PRAMATHANATH BANERJEA: I move that in clause 104, line 6, for the word "ten" the word "five" be substituted.

By this clause of the Bill the Corporation is given the power to borrow money to the extent of 10 per cent. of the annual ratable value of the land and buildings situate in Calcutta. Now, Sir, under the existing powers the Corporation is permitted to borrow to the extent of one-half or a little more than one-half of the taxes collected. The rates and taxes at present collected amount to 19½ per cent. of the ratable value of the land and buildings. Is it good finance to allow the Corporation to borrow to the extent of one-half of the taxes collected? I submit, Sir, that this is very bad finance, because if one-half of the rates and taxes is eaten up in meeting the interest and the Sinking Fund charges, only less than half is left for carrying on the work of the Corporation. This, I submit, is not desirable. Therefore, I wish to limit the borrowing powers of the Corporation to 5 per cent. of the ratable value of the land and buildings.

Babu SURENDRA NATH MALLIK: We are confronted with this position that Babu Amulya Dhone Addy, who knows the working of the Corporation, says that the borrowing capacity should be increased to 15 per cent, and my friend, Dr. Banerjea, who does not know it, says that it should be reduced to 5 per cent. Sir, 10 per cent. is the law now in force, and I think that it is common sense. So let us keep it; there is no use in suggesting an increase or decrease of the percentage in the borrowing capacity without any rhyme or reason. We find that the rule has worked very well for the last 10 years, and we should like to stick to it.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): I have only to add that Babu Amulya Dhone Addy seems to think that by a stroke of the pen we can increase the actual borrowing capacity of the Corporation. He also seems to think that if we put in the magic words "15 per cent."

instead of "10 per cent.," the Corporation will at once be able to embark upon a career of wild borrowing; that is impossible. He has himself pointed out that the real borrowing capacity of the Corporation is limited to its surplus of normal revenue over its normal expenditure and that is the real test. In these circumstances, it would be absurd to attempt to increase the statutory capacity in this haphazard way.

The motion standing in the name of Babu Amulya Dhone Addy was then put and lost.

The motion standing in the name of Dr. Pramathanath Banerjea was then put and lost.

Babu SURENDRA NATH MALLIK: I move that at the end of clause 113, the following be added, namely—

> "and all other securities and cash held in any other Sinking Fund established by the Corporation under the said Calcutta Municipal (Loans) Act, 1914, shall vest in the Corporation for the purpose of repayment of the loan in respect of which such Sinking Fund was established and such Sinking Fund shall be deemed to have been established under section 110."

This is only a formal matter put in for the purpose of including what was formerly there in section 113 in respect of Sinking Fund A, as it used to be called subsequently. The securities that are there will be covered by this provision; it is for that purpose that I propose this motion.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I beg to accept the motion.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, the 19th February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 19th February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 104 nominated and elected members.

Starred Questions

(to which oral answers were given).

Proposal for enhancing examination and registration fees payable to the Calcutta University.

*LXIII. **Mr. AJOY CHUNDER DUTT:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the Government are considering the desirability of reconsidering the proposals for the enhancement of Matriculation, I. A. and I. Sc. Examination fees as also the registration fee payable by a student who has passed the Matriculation Examination to improve the financial position of the Calcutta University?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): Government do not consider it desirable to reconsider the proposals at present in view of the fact that legislation for the constitution of the Senate and for the establishment of a Board of secondary Education is in contemplation.

Expenses for divisional inspectors of education and their staff.

*LXIV. **Babu SURENDRA NATH MALLIK:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(i) what is the total amount of the expenses for the divisional inspectors of education and their staff in each of their respective headquarters; and

(*ii*) how much of these amounts are—

(*1*) voted, and

(*2*) non-voted,

respectively?

The Hon'ble Mr. P. C. MITTER: (*i*) and (*ii*) A statement giving the information is laid on the table.

Statement referred to in the reply to starred question No. LXIV, showing the expenses for each of the five Divisional Inspectors of Schools and their staff in each of their respective headquarters.

	Non-voted	Voted	Total.
	Rs.	Rs.	Rs.
Inspectors of Schools—			
Presidency Division	19,800	65,648	85,448
Burdwan Division	15,000	47,861	62,861
Dacca Division	24,000	39,741	63,741
Rajshahi Division	19,200	27,774	46,974
Chittagong Division	———	39,070	39,070

Unstarred Question

(answer to which was laid on the table).

University College of Science.

393. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware—

(*i*) that the public endowments to the College of Science and the contribution from the fee-funds of the University amount to about Rs. 60 lakhs;

(*ii*) that the Government have spent a lakh of rupees by way of an annual grant of Rs. 12,000 during the last seven years; and

(*iii*) that some forty members of the University teaching staff have left in view of the bankrupt condition of the University?

(*b*) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the names of the members of the University teaching staff, i.e., professors, with their qualifications, who have left the University during the last two years stating the pay or remuneration

they were getting from the Calcutta University and the new employment and pay and prospects for which they left the Calcutta University service?

(*c*) Is the Hon'ble the Minister also aware that the authorities of the University College of Science have been compelled through want of necessary funds to stop work in many directions, and for want of contingent money, cannot even spend a few rupees for their every-day needs?

The Hon'ble Mr. P. C. MITTER: (*a*) (*i*) The public endowments to the College of Science amount to Rs. 36,43,000, and the contribution from the fee-funds up to the 30th June last to Rs. 9,99,209.

(*ii*) Government have been making a grant of Rs. 12,000 a year for the maintenance of a laboratory for the College since 1912-13.

(*iii*) It is understood that some members of the staff have left.

(*b*) Government are not in possession of the names of the professors who have left.

(*c*) Government have no knowledge.

Presentation of the Budget for the year 1923-24.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): I have the honour to present the budget estimates of the Government of Bengal for the year 1923-24. These estimates are accompanied as usual by the financial statement in which the variations under the different major heads of the budget are explained in detail. We have endeavoured in this statement to give the fullest information possible, and in addition to the usual abstract of the expenditure heads we have given an improved form of the statement of expenditure which appears at the beginning of the statement by setting it out in more elaborate detail than in former years, so that members may be able to see how the expenditure incurred in England by the Secretary of State and the High Commissioner is distributed under the various major heads of the budget. The statement is prefixed by an explanatory memorandum, in which I have set out the salient features of this year's working and the general financial position. I trust that with this members will have all the information they require for the purposes of the general discussion of the budget and the subsequent voting of grants.

Dealing firstly with the estimates for the current year, I would recall to members the position with which we were faced in the preparation of the budget for 1922-23. It will be remembered that my predecessor presented a budget in which the expenditure exceeded the revenue by as much as Rs. 120 lakhs. This deficit existed notwithstanding retrenchments in expenditure to the extent of Rs. 89 lakhs effected in the year

1921-22, and certain further retrenchments made in the budget. It was then thought unlikely that any further retrenchment was possible, and in order to wipe out this large deficit, recourse was accordingly had to new taxation. Three taxation Bills, two of them amending the Stamp and Court-fees Acts and the third imposing a tax on amusements and betting, were presented to the Council and eventually became law. It was then estimated that the proceeds of this new taxation would bring in Rs. 140 lakhs, Rs. 110 lakhs from Stamps and Court-fees, and Rs. 30 lakhs from the Amusements Tax. This would wipe out the deficit of Rs. 120 lakhs and allow a surplus of Rs. 20 lakhs, and with this permanent addition to the revenues the future prospects of the province would be pretty well assured. My predecessor had good grounds for hoping that the budget he then presented would be the last deficit budget that we would have to present to the Council. Basing hopes on an additional income to the amount I have mentioned, Rs. 140 lakhs, we presented to the Council in July and August last supplementary demands for the utilization of the anticipated surplus and of a certain amount out of our balances, which we felt justified in drawing on in view of this new permanent addition to the revenues. These supplementary demands mounted up to Rs. 44½ lakhs. The budget as thus revised, that is to say, the original budget together with the new taxation and supplementary grants, then provided for a revenue of Rs. 10,43,16,000 and an expenditure of Rs. 10,68,74,000. This deficit of Rs. 25½ lakhs represents the amount by which we were to draw on the balances to meet the new expenditure. In these figures, I exclude loans and advances made by the local Government and transactions between the local and central Governments.

The proposals for new taxation naturally did not find favour with many members of the House. There were some who were pessimistic as to the effects of the new taxation—they predicted that the receipts from the new taxes would fall far short of expectations. Some of these and others held that retrenchment of expenditure would be preferable to the imposition of new taxes, and, in the course of the discussion on the budget, several members urged the appointment of a Retrenchment Committee. The opinion of the Council in favour of taxation prevailed and the view was then expressed—it was the view of Government at the time—that material retrenchments over and above those which had already been made by Government on its own initiative were hardly possible. To-day, I am afraid, we must confess that our critics were not altogether in error. Our anticipations in the matter of new taxation have not been realized and a Retrenchment Committee has very recently recommended very drastic reductions in our expenditure.

Dealing first with the receipts from new taxation, which appertain to the estimates of the current year, the Council is already aware roughly how our revenues have been affected. In answer to a question put to

me on the 9th February, 1923, I informed the Council that we anticipated that our receipts from Stamps would be about Rs. 85 lakhs short of our anticipations. The position has slightly improved and we now estimate that we shall realize from this source Rs. 3 crores instead of Rs. 3,75,00,000—a drop of Rs. 75 lakhs. This is a heavy fall. It is explained in part by the fact that many transactions which would ordinarily have taken place in April last were hurried through in March, 1922, so as to avoid the increased taxation. As a consequence, while there was a considerable increase in the receipts from this source in March, 1922, there was a falling off in April last. This shortage is, however, mostly the result of the depression in trade and industry. Our receipts would have been far below those of previous years had there been no new taxation—as it is we shall get this year very little more from this source than in 1919-20.

As for the Amusements Tax this is a new source of income, and we have no past actuals to guide us in forecasting the revenue for the year. The budget provided for receipts amounting to Rs. 30 lakhs, but it does not look as if we shall realize this amount in full. In the revised estimates Rs. 20 lakhs have been taken as our probable receipts from this source, but on later information I think this will be exceeded and I anticipate we shall be nearer Rs. 25 lakhs. The estimates will be corrected at a later date if this anticipation proves correct, and, of course, the deficit of the year will be diminished to the same extent. In any case, however, we shall not realize the sum taken in the budget.

But although there has been this large falling off in the receipts under these two heads, our financial position is not so bad as many members seem to think and there is nothing like the deficit of a crore which some members have been talking about. In other directions, we have improved receipts. Excise will give us Rs. 6 lakhs more than we had estimated—an increase, I may say, due not to increased consumption but to an improvement in the system of administration. We also secured a windfall of over Rs. 8 lakhs by the decision of the Government of India that local unclaimed deposits should be credited to the provincial and not to imperial revenues. On the other hand, we have suffered from a fall in the receipts from quinine, largely due to a fall in the market rate for this article. In the result, our receipts are short of our anticipations by Rs. 76 lakhs. The revenue for the year we now estimate at Rs. 9,66,95,000.

Had we carried on with the expenditure passed in the budget and in the supplementary estimates on the scale approved by the Council, we should, with this fall in receipts, have been faced at the close of this year with a deficit of one crore, and all our balances and even more would have been swallowed up. But we were not inattentive to the revenues; we were maintaining a close watch on the receipts from month to month, and when in September last we became convinced that

the Stamps receipts were likely to fall far short of expectations, we took immediate measures to enforce every possible economy. All new schemes which had not been put into operation or to which Government were not committed were at once suspended and retrenchment, wherever possible, was immediately given effect to. As a result of these measures, savings were made, as I told the Council the other day, amounting to Rs. 49 lakhs. This policy of retrenchment was adopted by practically every department. And I may explain, in order to remove some doubt that exists in this connection, that these economies have nothing to do with the Retrenchment Committee's recommendations. They were all given effect to more than a month before the Retrenchment Committee submitted its report. They were retrenchments enforced by Government entirely on its own initiative. They comprise expenditure of all kinds, large and small—the principle large items are set out in the explanatory memorandum accompanying the financial statement—about Rs. 33 lakhs representing savings in the original budget, while the balance is from the suspension of schemes in the supplementary estimates. It is naturally a disappointment that our anticipations in the matter of new taxation have not been realized and that we have been compelled to suspend the initiation of many new schemes passed by the Council last July and August. The Council will realize, however, that in the circumstances no other course was open to us. As a result of this retrenchment and in anticipation of savings in other directions the total expenditure of the year is now estimated at Rs. 9,82,50,000. This is Rs. 15½ lakhs in excess of our income. Again I may remind the Council that these figures are exclusive of all loan operations and refer solely to our Revenue Account. Taking everything into account we started the year with an opening balance of Rs. 67,53,000—our total receipts were Rs. 10,33,29,000, our total expenditure Rs. 10,49,98,000 and we will close the year with a balance amounting to Rs. 50,84,000. The total deficit of the year is thus Rs. 16,69,000.

Coming to the budget for the ensuing year, I regret to have to say that I must again present a deficit budget. The deficit is much less than that with which we close the current year—it is less than half—but with the report of the Retrenchment Committee before us and the fact that we still have a certain amount in our balances, we do not propose to introduce any Taxation Bills to cover this deficit. The economic situation is not very clear. We do not yet see a normal condition of affairs. There are some indications of better trade and industry, but we cannot place our hopes too high and expect great things. I cannot think that we shall secure from Stamps an income of Rs. 3,75,00,000, which was the figure adopted in the current year's budget. But we can reasonably expect some improvement and I have provided for a revenue of Rs. 3,35,00,000 under this head. This is Rs. 35 lakhs more than our present estimate for the current year, but I

think we may with some confidence anticipate an improvement in general conditions sufficient to ensure this increase. It is still Rs. 40 lakhs short of the estimate based on the new taxation. As regards the Amusements Tax, we have repeated in next year's budget the figure of this year's original budget. We do not consider it safe to put it higher than this, as we have not had sufficient experience of the working of the new Act. Further improvements in the administration of excise are also expected to lead to an increased revenue. Generally, we have been very cautious in our estimates, and on the whole I have budgeted for a revenue of Rs. 10,15,57,000, an increase of Rs. 48,62,000 as compared with the revised estimate of the current year.

On the expenditure side we have made a provision of Rs. 10,21,66,000. This is an increase of Rs. 39,16,000 over that of the revised estimate for this year and is mainly accounted for by the fact that during the current year the expenditure under head "16.—Construction of Irrigation, Navigation, Embankment and Drainage Works" was a minus quantity representing an adjustment in favour of revenue against capital. Here, too, we have been very cautious and have limited expenditure in the departments practically to the revised estimates of the current year—thus in effect reproducing the retrenchments made during the year. In other words, we are marking time. We have made no provision for new schemes. Our only new item of expenditure in next year's budget is a provision of Rs. 4,50,000 for the election of the new Legislative Council. Subject to this and to the normal growth of expenditure, of which I may instance the increase in pay that will be due during the year under the time-scales and the full provision for schemes which were in operation for part only of the current year, no provision has been made for any other additional expenditure. In the result, the expenditure is Rs. 6,09,000 over our revenue. Again I do not include in these figures our loan transactions which I do not propose to touch on. If they are taken into account, our balances are reduced by Rs. 10,47,000. Our main consideration is our Revenue Account. In this, as I have said, we shall be working on a deficit next year of Rs. 6,09,000.

This is a very considerable improvement on the budget which was presented last year and even on the results of this year. And there may be some consolation in that this deficit, small as it is compared with the last two years, is arrived at with an entry on the receipt side under Stamps of Rs. 40 lakhs short of the anticipation of the current year. But after all we cannot look on this budget with any great satisfaction. It makes no provision for development and allows for no progress—it merely permits the carrying on of the administration in its minimum essentials and that, too, only by drawing to some extent on our balances. The deficit may be wiped out in due course by an increase

in receipts from Stamps. It must be wiped out. And we must find money for development. Where is it to be obtained? This brings me to the report of the Retrenchment Committee. The budget I am now presenting was prepared on the expenditure side before the report of the Retrenchment Committee was received and, except in so far as certain items which appear in that report had already come to our notice in the Finance Department, there is no trace in the budget of the recommendations of the Retrenchment Committee. The report was received too late to be considered in connection with the budget, and even had any of the Committee's recommendations been accepted immediately, it would not have been possible to incorporate the resulting changes in the estimates.

I had hoped to be able to give the Council some indication as to the extent to which Government have accepted the recommendations of the Committee and as to the possibilities of reduction in the expenditure as shown in the budget. But the proposals are so numerous and so far-reaching in their effect that except in a few minor cases, which would not materially alter the estimates, my Hon'ble Colleagues have not found it possible so far to arrive at definite conclusions regarding them. In the departments with which I am myself concerned, there is little in the way of expenditure which would affect the budget, but I have already given effect to the recommendation of the Committee in the matter of contingencies by arranging for the deputation of an experienced Accounts Officer to make a detailed examination of the contingent expenditure in the various offices. I am hopeful that on this item we shall secure a saving even greater than the ten lakhs taken by the Committee. This in itself should wipe out our deficit and give us a surplus. Our financial position would further be improved if the Committee's recommendations in favour of the enhancement of registration fees were adopted, and as Finance Member I am anxiously awaiting action in this direction by the Hon'ble the Minister in charge of the Registration Department. Generally we shall carry out the recommendations of the Retrenchment Committee as far as we can and whatever we may get from this source will all be to the good. I am afraid this is all I can say at the moment regarding the recommendations of the Retrenchment Committee. But the Council may rest assured that a curtailment of expenditure will be enforced in the budget of the coming year in respect of every recommendation on which Government arrive at a decision that the economy suggested by the Committee can be accepted either in whole or part. We will not wait for a decision on the whole report. Economy will be effected on each recommendation as accepted without waiting for the decision on other recommendations. With a budget then in deficit in the Revenue Account to the extent of only Rs. 6 lakhs, with a prospect when normal conditions return of further revenue from Stamps to the extent of

Rs. 40 lakhs, and with the recommendations of the Retrenchment Committee before us, our financial position is then not a hopeless one, not so hopeless as many may have thought.

Notwithstanding this the Council will doubtless urge that our efforts to secure a revision of the present settlement with the central Government should not be relaxed, and the resolutions which have been tabled for discussion on this subject are evidently an indication that many of the members of this House are not disposed to rest content with the conclusions of the Government of India and the Secretary of State as set out in the despatches recently published. I do not propose to enter now into the weighty questions raised in these despatches. But there are two points regarding Bengal which cannot be let pass without comment.

In the first place, it will have been observed that the figures utilized to exhibit the financial position of Bengal are based on anticipations which we now know will not be realized. The statement of income includes the receipts from our new taxes which, as I have already shown, will be far below the original estimate. And in arriving at a surplus of Rs. 19 lakhs—the figure given in the despatches—account was not taken on the expenditure side of the expenditure from the additional taxation. The results of the year, as we now know them, are a deficit of Rs. 15½ lakhs on our Revenue Account alone—and Bengal does not occupy the very favourable position of being the only province with a revenue surplus in 1922-23.

Again, these despatches were based on the results of an examination of the financial position of the different provinces in the light of the Meston Settlement, and it seems hardly fair that in such a review the taxation imposed by the representatives of Bengal in its Legislative Council should have been taken into account and comparison should have been set out between Bengal and other provinces whose proposals for additional taxation had not reached such an advanced stage as in Bengal. It is to the credit of this Council that, while continuing to urge the claims of Bengal for more favourable treatment—a claim which indeed is recognized—they have co-operated with Government in putting the finances of the province on a stable basis. We realize the difficulties under which the Government of India labour in their present financial straits, and we have no desire to embarrass them. But in saying this we do not abate in the slightest degree our claim for a better settlement in our favour, nor can we be held to acquiesce in the decision of the Government of India and the Secretary of State in this matter. We are not prepared to accept as a settled fact the decision that the Meston Settlement should not be revised. We shall continue to press our claims for better treatment and, while we do so, we trust that all our efforts to put our finances in order will not be lost sight of. It has been our policy, in which the Council have loyally co-operated, to carry on even under adverse conditions, to adjust our revenue and expenditure so as to meet

our commitments from the resources at our disposal. We have so far succeeded in doing so. We have not come to the end of our resources. We have not been compelled to ask the Government of India to allow us an overdraft. We have taxed ourselves, we retrenched to the extent of Rs. 89 lakhs last year and about Rs. 50 lakhs this year, and we have cut our expenditure almost to the minimum possible for the bare needs of the administration. We can at the moment make little advance, but we can look forward with some hope and confidence in the future. I can only trust that the efforts we have made will be rewarded and that, in whatever form the final financial relations between the local and central Governments are determined, our labours will be counted to us for righteousness.

I have finished. It only remains to remind members that the discussion on the budget will take place on the 26th and following days, and I may say that, if any member desires to have any further information or any explanation of any item in the estimates, Mr. Marr and myself will always be at his service in our offices either at Writer's Buildings or in the precincts of this Chamber.

Government Bill.

The Calcutta Municipal Bill, 1921.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): With your permission, Sir, I would move the following amendments. I may point out that notices of these amendments have been circulated to members and that since then there have been two or three changes in the amendments on points of drafting. Otherwise they stand in the form in which they were circulated to members.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): You should now formally move the amendments taking clauses 57, 58, and 59 together.

Mr. S. W. GOODE: I move that before clause 60 the following be inserted, namely:—

Operation of transitory provisions.

57. The provisions of this Act relating to elections of Councillors by general electorates are subject to the provisions of sections 58 and 59.

Transitory provisions to have effect at elections prior to the fourth general election.

58. (1) Notwithstanding anything contained elsewhere in this Act, the provisions of this section shall apply in respect of the election

of Councillors at the first three general elections held under this Act or in the manner provided therein, and at any by-election held prior to the fourth general election.

(2) Subject to the provisions of any other law for the time being in force every Muhammadan shall be qualified as an elector of a Muhammadan Constituency specified in Schedule IIIA, who owns or occupies or resides in any premises, or exercises any profession, trade or calling within that constituency, if such person possesses the qualification set forth in clause (a), clause(b) or clause (c) of sub-section ( ) of section 18.

(3) No person shall be eligible for election as a Councillor to represent a Muhammadan Constituency unless his name is duly registered in the electoral roll of that or any other Muhammadan Constituency.

(4) In the case of the elections referred to in sub-section (1)—

(a) for section 7 of the following shall be deemed to be substituted, namely:—

Constituencies.

"7. The elected Councillors shall be elected by the constituencies specified in Schedule IIIA, and the number of Councillors to be elected by each constituency shall be as stated therein against that constituency."

(b) for that portion of sub-section (1) of section 18 beginning with the figure and words " (1) subject to " and ending with the words and figure "specified in Schedule III," the following shall be deemed to be substituted, namely:—

" (1) Subject to the provisions of any other law on the subject for the time being in force, every person, other than a Muhammadan, shall be qualified as an elector of a non-Muhammadan Constituency specified in Schedule IIIA."

(c) for section 20 the following shall be deemed to be substituted, namely:—

Qualification for election as a Councillor.

" 20 (1) No person shall be eligible for election as a Councillor to represent a non-Muhammadan constituency specified in Schedule IIIA, unless his name is duly registered on the electoral roll of that or any other non-Muhammadan constituency specified in that schedule.

(2) No person shall be eligible for election as a Councillor to represent a special constituency specified in Schedule IIIA, unless his name is registered on the electoral roll of that constituency."

(*d*) in sub-section (*1*) of section 21 for the words and figures "specified in section 18 " the word "prescribed" shall be substituted,

(*e*) to sub-section (*1a*) of section 21 the following shall be deemed to be added, namely:—

"and notwithstanding anything contained elsewhere in this Act the electoral roll on which such representative shall be entitled to be registered shall be the electoral roll of the non-Muhammadan or Muhammadan constituency, as the case may be, for the electoral area in respect of which such company or other association is entitled to be an elector, according as such representative is not a Muhammadan."

(*f*) for section 25 the following shall be deemed to be substituted, namely:—

Uncontested elections.

" 25. In any constituency, if the number of candidates, who are duly nominated and have not withdrawn their candidature, is not more than the number of Councillors to be elected for that constituency, all such candidates shall be declared to be duly elected."

(*g*) in sub-section (*4*) of section 41 for the word and figure "Schedule III" the word, figure and letter " Schedule IIIA " shall be deemed to be substituted.

(*h*) in sub section (*1a*) of section 473 after the words " of Councillors " in the first place where they occur the words " by non-Muhammadan and Muhammadan constituencies " shall be deemed to be inserted and for the word and figure " Schedule III " the word, figure and letter " Schedule IIIA " shall be med to be substituted.

(*5*) The provisions of other sections applying to the election of Councillors by, and the electoral roll of, general constituencies shall apply so far as may be necessary to the election of Councillors by, and the electoral roll of the non-Muhammadan and Muhammadan constituencies.

Temporary substitution of Schedule IIIA for Schedule III.

59. For the purposes of the election of Councillors during the period referred to in sub-section (*1*) of section 58 Schedule IIIA, shall be deemed to be substituted for Schedule III.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): On Friday last my hon'ble friend, Mr. Langford James, held out what I may call the olive branch of peace, and made certain proposals in order to avert a somewhat irritating controversy which at that time threatened us. Sir, I took time to consider those proposals and you were good enough, at my instance, to adjourn the matter till to-day. As Government, we have given the question our best consideration and we have decided to accept substantially the proposals of Mr. Langford James and they have been embodied in the amendment which has just been read out by Mr. Goode. Perhaps a word or two of explanation is needed from me at this stage. Under the Bill a number of seats were reserved for the Muhammadan community the candidates being returned by the General Electorate. Mr. Syed Nasim Ali proposed that Muhammadan candidates should be returned by special Muhammadan electorates in which the rest of the general community would have no part or share. Therefore, Sir, there were before this Council two opposing proposals and we had to choose between them. At this juncture, Mr. Langford James came forward with his message of peace. The Government have decided to uphold the principle of the General Electorate contained in clause 7 of the Bill. That clause remains. But a clause will be added providing for some Muhammadan constituencies for three elections extending over a period of nine years after which they will automatically disappear. These proposals are transitory and they will be described as such in the Bill, and after nine years they will automatically disappear and the machinery of the General Electorate will be in operation. Therefore, the position is somewhat as follows. We uphold the principle of a General Electorate for Hindus and Muhammadans alike as a permanent feature of the Bill subject to the temporary deviation to which I have already referred. The House stands committed to this principle of a General Electorate, its operation being suspended for a period of nine years or three elections after which the transitory clause will disappear and the system of the General Electorate will come into force. These are the rough outlines of the proposals which we desire to place before the Council and I trust they will be accepted. It is in the nature of a compromise. A compromise is a most difficult task—it does not please everybody, but the circumstances were such, the conditions which we were confronted were of such a character, that Government felt that the best and the most desirable thing to do was to accept the compromise which was suggested by Mr. Langford James. I can only hope

that there will be no acrimonious debate on these proposals or over the question of communal representation. The country is sharply divided, but I trust that in this Council Chamber feelings of friendliness and charity will prevail and that our deliberations will not be marred by any unnecessary display of temper unworthy of this Chamber.

With you permission, I may say this that I myself have never been in favour of the communal system. I stated my views in a speech which I delivered in this Council in November, 1921, when introducing this Bill. I then strongly condemned that system. To that view I still adhere. I add nothing, I subtract nothing, I qualify nothing. I remain unconvinced despite the opposite views of some of my Muhammadan friends. But I have accepted the compromise for reasons which I will state later on if I may be permitted to do so. [A voice: Shame!] Sir, I do not think that that is a parliamentary expression and it should be withdrawn.

Mr. PRESIDENT: The Hon'ble the Minister should not be interrupted—I do not know who the member was who cried "shame." I hope he will not repeat it.

The Hon'ble Sir SURENDRA NATH BANERJEA: Sir, I am sorry that after my appeal for sobriety in our deliberations in regard to this matter any expression of that kind should have been allowed to escape from the lips of an hon'ble member. However that may be, with your permission, I should like to listen to the debate and reserve my remarks till the end if you will kindly allow me to do so.

Dr. A. SUHRAWARDY: Is the debate to continue on the whole set of amendments moved by Mr. Goode or are they to be taken separately? I may state that we may be in agreement with some of the amendments and may disagree with the others and we have not been given sufficient time to send in our amendments to the proposals made by Mr. Goode.

Mr. PRESIDENT: The question needs a short answer, Dr. Suhrawardy. There was undoubtedly sufficient time for sending in amendments as I have notices of three items from Mr. Fazl-ul Haq and if members did not avail themselves of the opportunity the blame rests with them. Mr. Goode's amendments were circulated under my instructions so that they may be in the hands of members by this morning. I believe there are some members who received them yesterday evening and so there was ample time to send in amendments if any hon'ble member wished to do so.

Babu DEBI PROSAD KHAITAN: I received it only at 2 o'clock this afternoon.

[At this stage several members rose to speak.]

Mr. PRESIDENT: Order, order! I must attend to one member at a time. I am very sorry, Mr. Khaitan, but you must be one of the unfortunate ones. Perhaps if you were to approach the Secretary he will explain the cause of the delay.

Mr. D. C. GHOSE: Notwithstanding the truculence that Mr Syed Nasim Ali has displayed and the threat that he has uttered that unless his demand for separate communal representation for Muhammadans is conceded, he and his co-religionists will do everything in their power to wreck the Reforms, I cannot help thinking that he has failed altogether to make out a case in support of the amendment he has moved. He has told us in passionate tones that for the protection of Muhammadan interests in the Corporation of Calcutta, separate communal representation is a question of life and death to his community. Let us for a moment examine this plea. What are the special Muhammadan interests in the Corporation that require protection? Where is the divergence between Hindu and Muhammadan interests so far as municipal affairs are concerned? I have searched in vain for an answer to these questions in Mr. Syed Nasim Ali's speech. I suppose when specifically challenged he and his friends will produce the subject of cow slaughter as a point of divergence between Hindu and Muhammadan interest. It is well-known that with regard to this matter, Hindus hold one view and Muhammadans hold another, quite different views, though at one time, I mean during the height of the non-co-operation agitation, it seemed that our Muhammadan fellow-countrymen had made up their minds, in difference to the wishes of the Hindus, to concede that the slaughter of cows should disappear altogether from this country. However, since Muhammadans have changed their minds, and the subject might become a bone of contention, Government, as represented by a Hindu Minister, are going to oppose the provision in the Bill, which the Select Committee with the assent of some of its Muhammadan members had recommended, giving power, with proper safeguards, to the Corporation to prevent, restrict or regulate the slaughter of cows and calves within the municipal limits of Calcutta. Now, Sir, I venture to think that with the removal of the subject of cow slaughter from the pale of controversy nothing remains upon which might arise a real divergence of opinion between Hindus and Muhammadans. That being so, the whole structure of Mr. Syed Nasim Ali's argument falls to the ground. Am I then far wrong if I venture to say that his demand is based upon a fancied grievance? He has laid much stress upon the Lucknow Compact of 1916 and has argued by way of deduction from that

Compact that it has been agreed between Hindus and Muhammadans that the latter should have separate communal representation wherever they may want it. Sir, I venture to think that he has no right to make any such deduction. The Legislative Councils, and the Legislative Councils only, were the places where it was agreed that the Muhammadans should have separate communal representation. If the parties to the Lucknow Compact had intended that the operation of their agreement should include also the local bodies, they would have specifically mentioned it. But since there is no such mention, we cannot support any extension of the principle of separate communal representation because it amounts to a betrayal of the historic agreement reached at Lucknow. Mr. Syed Nasim Ali has relied upon paragraph 231 in Montagu-Chelmsford Report for the purpose of showing that it supports the extension of the principle of separate communal representation to local bodies. Sir, the paragraph does nothing of the sort. It deals and deals only with the Legislative Councils, and after referring to the separate communal representation given to the Muhammadans in the Legislative Councils in 1909, and the solemn agreement reached at Lucknow, it says, and this is the language—

> The Muhammadans regard these as settled facts and any attempt to go back on them would rouse a storm of bitter protest.

It has absolutely no reference whatever to local bodies. Sir, the question of the extension of separate communal representation cannot be, ought not to be, lightly decided one way or the other. It goes to the root of the ultimate question of the success or failure of democratic Government in this country. Already imitating the pernicious example of some of our Muhammadan fellow-countrymen, the members of what are called the depressed classes are proposing communal representation for their benefit. Then we are told that the Hindus in Eastern Bengal are saying that since they are in a minority they should have separate communal representation. The Hindus in North Bengal who are also in a minority are thinking of asking for separate communal representation. And in this way, the Marwaris, the Jews, the Anglo-Indians, the Indian Christians will all ask for separate communal representation. Besides, if we once introduce separate communal representation for the Muhammadans in the Calcutta Corporation, we shall have to introduce it in every mufassal municipality, every district board, every local board, every union board, so that the whole political structure in the province from top to bottom will be based upon a system of water-tight compartments. These are the consequences, the very serious consequences, which we have to face if we decide in favour of any extension of the principle of separate communal representation in defiance of the Lucknow Compact of 1916, the spirit and intention of the Montagu-Chelmsford Report on Indian constitutional Reforms, the opinion of an influential section of our Muhammadan fellow-countrymen as

expressed in a manifesto published the other day, and the wishes and views of what I believe to be the majority of the people of this province. Now, Sir, are we prepared, in these circumstances, to decide in favour of any extension of the principle of separate communal representation? Sir, history has not known of a political system aiming at the establishment of real democratic Government being based upon a spirit of caste as in the Hindu social sphere. The question is whether we shall stereotype in the political sphere what we have got in the Hindu social sphere. That is the issue before us. I submit we cannot play with an issue of this magnitude. If Government find that on account of certain difficulties, they cannot get the support of this Council to the provision in the Bill, as recommended by the Select Committee, they should, in my humble opinion, advise His Excellency the Governor to dissolve the Council and ask for the opinion of the electorate upon the desirability or otherwise of the extension of separate communal representation. That, to my mind, is the only fair, proper, and logical course that Government can take in this matter.

Mr. AJOY CHUNDER DUTT: I am afraid I cannot congratulate the Hon'ble the Minister in charge of the Department of Local Self-Government for accepting a compromise which is no compromise at all. What is the suggested compromise? It is this: Let communal representation come in—let it be accepted for nine years and after that *ipso facto* it will cease. I would ask the members of this House one question. Is it within the region of possibility that, if you once concede communal representation to the Muhammadans it will be possible to take it back? Once communal representation has been accepted it will remain. Now, Sir, I am opposed to the principle of communal representation on historical grounds. The Reforms are based—if I have understood them at all—upon the principles which are familiar to the British constitution. We know perfectly well that the British democracy is not perfect. Anybody who has studied the growth and development of the British constitution knows perfectly well that it is not perfect but it is about the best form of democracy we have any where in the world. The Reforms are based upon the principles of British democracy. What is the fundamental principle of British democracy? Local representation as opposed to the communal representation. A member of Parliament will represent the views of the majority of his constituency. He will not represent the views of a particular community in that constituency, if the views of that community is in antagonism with the views of the majority. The majority principle is the principle which is at the root of the British constitution. The principle of the Government by majority is a part of the British constitution. I say, by accepting communal representation you are striking at that very principle. Let me give you an example. When a Muhammadan is elected, say, from a particular

ward—let me assume in that particular ward there are 5,000 voters—and of that number 500 are Muhammadans—he goes into the Calcutta Corporation for the purpose of representing the views of these 500 men and not the views of the majority in the ward. Is this right? If you accept the principle of communal representation you discard the principle of Government by the majority. The Government by the majority has at its back the votes of the majority of voters. What would be the effect of introducing this communal system? As Mr. Ghose has very well pointed out to the House, the effect will be, once you introduce that system into the Calcutta Corporation, to extend it to the mufassal municipalities, to the mufassal district boards, to the local boards, and to the union boards. There would be a division—a clear division—between Hindus and Muhammadans for all time to come. [A voice: No.]. Somebody says "No." How is it possible to unite these two communities when politically you deliberately create a dividing line between them? I quite realize that social unity may be difficult, but political unity is possible to-day, and it is by means of political unity between Hindus and Muhammadans that nationhood of Bengal will come into existence. Without that it is not possible. Then again, Sir, communal system may be permitted for the protection of minorities and minorities only. Thus, for instance, I believe upon that principle separate representation has been granted to certain trading and commercial bodies. But the Muhammadans are not in a minority in Bengal. They are in a majority in Bengal. Then on what principle do you extend the communal system to Muhammadans? If you extend it to them, I am afraid the Jews will come forward, the Marwaris will come forward, the Brahmos will not be slow in following suit, and all the other communities who have got any interests to protect will all come forward and demand separate representation. Once you accept that principle it will be impossible to adhere strictly to the principle of Government by the majority. For these reasons I am strongly opposed to the communal system being introduced into the elections of the Calcutta Corporation.

Kumar SHIB SHEKHARESWAR RAY: It is a matter of great pleasure and relief that an amicable settlement of this knotty problem has been possible at least on the official side and we are all grateful to the Hon'ble the Minister for the sympathetic manner in which he has decided the matter. As to the temporary character of the settlement, I need not attach any importance to it, for neither this Council nor anybody can shape the future policy of the country. And I take it, Sir, that this settlement which has been arrived at to-day can be easily made permanent at some future date. Personally, Sir, I am in favour of special electorates for important minorities, and I heartily support the suggestion for a communal electorate for the Muhammadan

minorities in Calcutta. It is not that I have adopted this attitude by any exuberance of feeling for the Muhammadans, but because I am one of those who sincerely and honestly believe that the principle of communal electorate is based on the doctrine of self-defence; it is the protection that the minority needs when pitted against a majority differing widely from it in intellectual and economic development. The protection of the minority is an acknowledged principle in politics in every advanced State and the system of cumulative votes or proportional representation by single transferable votes adopted in many of those countries to secure this protection is only another name for communal representation. For if adopted in Bengal it would mean nothing else, and this is borne out by our experience of the elections of the various standing committees of this Council which are conducted on the principle of single transferable vote. The results of these elections and the communal spirit displayed by even the enlightened members of this Council is proof enough that when the disparity is great and is existent, it is futile to expect that the different communities would be fused together into one nation simply by voting together. None the less I fully appreciate the arguments of those who have laid stress on the injurious effect of special communal representation. I admit that it is injurious as it keeps the communities apart but only when they are equally well-advanced and already constitute a homogenous group. When the component communities of a nation are all equally developed, intelligently sympathize with each other and have a social mind, then, of course, even microscopic minorities need no special protection, and from among them the most deserving ones come out uppermost irrespective of their denominations. The Parsees can well be taken as an instance. Although forming an insignificant minority they have excelled in every sphere of life without any special provisions for them. Coming nearer home we find the Vaidyas of Bengal, though very few in number when compared with the Brahmans and Kayesthas and other castes, they have found no ground of complaint in that. In both these instances, the different communities and castes had to contend with people equally equipped in the matter of intellectual and economic attainments. But, Sir, the thing becomes quite different when it is between the Muhammadans and non-Muhammadans. So great is the difference between them that they seem to be on different planes altogether. There can be no denying of the backwardness of the bulk of the Muhammadans in Bengal, and whether they form the majority or minority in particular places, their very backwardness tells heavily either on themselves or on the communities with whom they associate. Where the backward Muhammadans form the majority on account of their limited outlook and of their narrow sectarian views, the Hindus suffer in spite of their education, wealth, and influence. And again, where such Muhammadans are in a majority, their backwardness causes them to be neglected and looked down upon by their more advanced Hindu

brethren. Sir, it is no use concealing these sores in our body politic, rather I think the light and air of public comment and criticism might help in healing them up, and education and communal electorates might serve as salves. The result of this disparity at present is racial animosity and religious acrimony, suppression of the weak by the strong. We can well take the case of the Calcutta Corporation for an instance. Although the Muhammadans form 25 per cent. of the population here, still, for years together they have failed to secure a single elected seat in the Corporation. Surely it is inconceivable that not a single Muhammadan candidate had come forward who was not worthier than even the least qualified Hindu member of the Corporation. What does this imply? Does it not signify that behind this tall talk of fraternity and open door, a sinister influence had been working all the time, the base hankering of the strong to suppress the weak, to shut him out altogether? Let us now turn to East Bengal, where the Muhammadans predominate and we shall find a very similar thing there too. There the Muhammadans being numerically stronger and spurred on by their sectarianism, select for the local bodies candidates who happen to be Muhammadans, no matter what their abilities might be and even prefer third-rate Muhammadan candidates to the first-rate Hindus, and the result is that the Hindus have no chance to serve their country except through the backdoor of nomination. Sir, I do not mince matters for the time has come for plain speaking, no matter who, whether the Hindus or Muhammadans, might be hurt thereby. I want this injustice perpetrated on the under-dog to go. The stronger should no longer squeeze out the weaker nor should the balance of power be in the hands of particular communities enabling them to put a premium on their defections. This object cannot be attained by ear-marking the seats in a mixed electorate, for then, except in cases of persons with the most outstanding ability, only the renegades, those who can kow-tow to the community which might form the majority, might come in. Would you believe it, Sir, that an enlightened Brahmo member of my electorate refused to vote for me because on religious grounds I expressed my inability to dine with him? I failed to understand, Sir, what this dining with him had to do with my political views and the safeguarding of the landlords' interest in the Council. Sir, what would be the consequence if the Muhammadan voters, who might form the majority, demand that their Hindu candidate must dine with them, or if a Hindu majority insisted on their Moslem candidate to support the demolition of a mosque for a road alignment? Sir, I have some experience of elections both from special and mixed electorates for the Council and local bodies and know how little things tend to crop up and assume huge proportions, and I want to avoid these petty sectarian undergrowths. It is for these reasons that I support special communal electorates both in the interests of the Hindus and Muhammadans, and not only in Calcutta but in the mufassal too. I, however, subscribe to the principle

of triple calculation as enunciated by the Hon'ble the Minister, namely, based on population, voting strength, and the ratable capacity as also the importance any particular community might occupy. I appeal to my mufassal Hindu friends here to see that justice is done to the Muhammadan minority in Calcutta, so that when time comes they can themselves expect justice from the hands of the Muhammadans in the mufassal.

Dr. HASSAN SUHRAWARDY: I rise with a good deal of hesitation and diffidence to participate in a debate which, as Mr. Langford James has observed rightly, stirred to its depth feelings which might lead to acrimony, and I might add stir up heat and passion which the different parties may not easily forgive and forget. Mr. Langford James, whose charming personality I have the good fortune of coming in contact with not only in this Council Chamber but also outside it, is recognized by all of us to be a person always anxious to do his share for the country and his best for the Indians and Indian aspirations. We are immensely grateful to him for holding out the olive branch of peace and harmony and preventing mutual recriminations. His suggestion, however, I regret to find, has not met with the support that was expected. I do not speak of Muhammadans alone who have hitherto not liked the idea of acknowledging that a mixed electorate is the best, but I find many Europeans have also criticized it. In a leading article in one of the foremost English journals, it is said that Mr. Langford James' suggestion "proceeds on the unproved assumption that there is some social or political obliquity in communal representation and some inherent virtue in a mixed electorate." So far as I have been able to gather, a large section of Muhammadan members are not willing to do away with the privilege of communal representation by means of purely communal or Moslem franchise whether now or at the end of the transition period of nine years. I for one am not an admirer of the system of communal representation; but had I put up a fight for it, I certainly would not have agreed to barter my principle for a very doubtful gain. If it is accepted by the Moslems that we at this stage should acknowledge that the principle of a mixed electorate is the best one and that the privilege of communal franchise and of communal representation will lapse at the end of the period of grace of nine years, then I fail to see what has all this clamouring and fighting been for. We have surely to acknowledge our defeat if this is the kind of compromise we have arrived at, viz., that we must put on record that the system of mixed electorate is the best. Let us consider where those friends who so much advertised their ardent fight for the Muhammadan cause have landed us. During the negotiations with our Hindu colleagues, we had the chance of getting 20 seats within the present Calcutta boundary and at least an additional five seats on account of the added areas of Garden Reach, Tollygunge, Maniktala, etc. We would

have thus got about 25 seats if, in exchange, we accepted the principle of election by a mixed franchise, but with an adequate number of seats reserved solely for Muhammadans and with the additional privilege of contesting seats from the general electorate also. Our Muhammadan friends rejected this possibility and what have they got now? They have to acknowledge clause 7, viz., that the mixed electorate is the best principle and for the first time put this fact on record and then accept only 13 seats reserved for Muhammadans in the bargain. The satisfaction is that we have got a purely communal franchise, but this even is not for ever, but only for the short period of three elections. Have they done a service or disservice to the Moslems? This fight reminds me of the person who cut his nose to spite his face. We can say we have after all as long as we are here got a purely Moslem franchise for communal representation, but think what we have lost for our successors! Not only the cordiality and trust of the Hindus and the privilege of contesting seats from the general electorate is gone, but also at least six seats are lost through bad tactics and a selfish policy of ensuring our own seats with the minimum amount of trouble to ourselves. True we can again raise the cry of communal franchise for a communal representation at the end of the transition period of nine years; but surely we could have done the same after getting our 20 or 25 seats reserved for Moslems through a mixed franchise by bringing forward an amending Bill after the new Act had come into operation in 1924. But now we have made a compact to keep quiet till 1934.

It would have been much the wiser plan for the Muhammadans to have recognized the advantages of having an effective and adequate number of seats in a body like the municipality where votes decide the question and not worry themselves as to which door they entered the House by; and this could have been attained without showing their feeling of distrust and bad blood towards a sister community.

Mr. Langford James with the clear perspective of a European business man has said, "let the Muhammadans recognise that this system (of communal representation) could not be expected to continue indefinitely, and that they should be content with this special privilege for a very small period in the life-history of our nation." Sir, I cannot imagine any friend of India who cannot visualize this coming event. We can already observe the signs and portends of the possibility of a United India, a Self-governing India, an India of Hindus and Mussalmans, of Christians, Jews and Parsees alike, as well as of Europeans and Indians. In my own small experience I can look back with feelings of the greatest gratification to cordially and hospitality that was accorded to me by many of my European colleagues in various stations in Upper India and in Bengal. And I remember how Hindus, some of them Brahmins of the strictest class, came and stayed with me as honoured guests and brothers, and similarly, how I have on more than one occasion enjoyed the friendship and hospitality of the Hindus of all classes. Can I then with any seriousness say that Hindu-Moslem unity, and friendship between Indians

and Europeans, is a sham and a farce and impossible of attainment? I remember, Sir, that on your return to this country, after an absence of 16 years, you were struck with the cordiality and good relations which you noticed between Europeans and Indians, and between Hindus and Mussalmans. Sir, what is 16 years but less than the twinkling of an eye in the life-time of a nation? When we are convinced that Hindu-Moslem unity is within the range of practical politics, then it is our duty to begin at once to find out means by which we Moslems can safeguard the peculiar interests of our community, and yet not be a drag on the wheel of progress towards Indian nationalism. Communal representation enunciates a narrow and a selfish policy by which a man lives first for himself, then for his children and family, and finally for his community. He can never work to leave this world a little better for some one else outside his particular narrow range. Communal isolation is like building a wall—a dead wall—round one, beyond which one cannot only never grow and expand, but cannot even look. It is against freedom and does not conduce towards efficiency. It is all very well to talk of protection of minorities, but we should never lose sight of the fact that the hot-house plant and the spoon-fed child can never grow to be hardy enough to bear the inclemency of the weather like those brought up under judiciously placed difficulties and adverse environment and circumstances. If we do not from now prepare ourselves for the sure and certain eventuality of withdrawal of communal representation we will find ourselves unprepared and will at once collapse under the strain of the struggle for existence when this prop and support is removed. It is all very well for Mr. Syed Nasim Ali to talk of our life-and-death struggle, but he seems to forget that in the struggle for existence survival of the fittest is the law of nature and not of the mollie-coddled spoilt child; he should realise that he cannot for ever be tied on to the apron-strings of another person, but should try to stand on his own legs. He has spoken of the protection that must be given to the minorities. Is he an advocate for or against the Moslems? Does not Mr. Syed Nasim Ali know that the Moslems are not in the minority in Bengal? Does he not know what conditions prevail in Eastern and Northern Bengal? The Hindus of Eastern Bengal will at once take the tip from Mr. Syed Nasim Ali and my friend, Kumar Shib Shekhareswar Ray is not slow to recognize this fact and has already been canvassing for the protection of the minority, the Hindus in Eastern and Northern Bengal. Let Mr. Syed Nasim Ali not be beguiled by the Kumar's support of communal representation into the belief that he is a great friend of the Moslems.

At page 17 of the Report of the proceedings of a Committee of non-official members of the Council to consider the Reform proposals there is a note of dissent which opens thus:—

In the matter of representation of Muhammadan interests in the enlarged Councils the Congress-League Scheme should not be followed. They (the Muhammadans) on no account should be allowed to have the balance of power in their

hands. Such a state of affairs would not only spell disaster to the cause of good Government in the country, but would seriously jeopardise the interests of the non-Muhammadans.

That was the opinion of our friend, Kumar Shib Shekhareswar Ray, who now poses as a great friend of the Muhammadans.

Kumar SHIB SHEKHARESWAR RAY: I said that the balance of power should not be in the hands of any particular community—whether Hindu or Muhammadan. I never said that I stand here for the Muhammadans on account of any kindly feeling for them, but I want justice to be done to them.

Dr. HASSAN SUHRAWARDY: At any rate, Sir, Kumar Shib Shekhareswar Ray then said that a separate communal representation such as was advocated by the Congress-Moslem League Scheme should not be given to the Muhammadans; and now he says that it should be given to them.

Mr. Syed Nasim Ali should recognize that it is the dominating influence, wealth, and education of the Hindu minority which has kept the majority, the Moslems of Bengal in the position of subordination. Protection of Muhammadan interests is certainly necessary, but this should be and can be effected without being constantly at war and discord with the Hindu community. Although the vast majority of the Hindus and Mussalmans have adopted the manners and customs and the language of the province as their own, yet they are so far apart from each other in their religious and the more important social ceremonies that it will be necessary for a long time after communal franchise has become a dead letter to have a Muhammadan communal representation, by which I mean representation of Muhammadans by Muhammadans to safeguard their peculiar interests.

The *Statesman* has rightly said that "the antagonism, rivalry or jealousy between Hindus and Muhammadans has long ceased to be primarily religious. The real cause of estrangement is the competition for places in Government and municipal employment, for educational advantages and for material benefits generally" and I might add "the trouble about cow killing." "Let the basic fact be recognized and met, and there will be little quarrel or none between the two communities." Government have rightly conceded to this principle and are reserving certain number of posts for Muhammadans in the different public services and it is on account of this principle that we find Moslems as Members and Ministers of the Government Cabinet. We do not wish to do away with this principle—it has distinct advantages for us—but it is time that we began working side by side without distrust and hatred, aspiring to the goal of self-government and "swaraj," of which the Reforms are an advance guard. We must begin somewhere.

The municipalities are, as Gladstone said, the seedplots in which, and around which, are developed those fine qualities and temperament of mind which is the best heritage of a citizen.

[At this stage the member reached his time-limit and resumed his seat.]

Rai JOGENDRA CHUNDER GHOSE Bahadur: I entreat my Muhammadan friends to consider this question dispassionately. At the outset I ought to make clear that Mr. Syed Nasim Ali and the few Muhammadan gentlemen of this Council who are now talking of Swaraj do not belong to and are repudiated by the Swaraj party of Muhammadans led by Maulana Mahomed Ali and excepting the hundred or two hundred men who elected them, the mass of the Muhammadan population do not recognize their representative character. Their new role as advocates of Swaraj is a great change in their political outlook. Similarly, the great mass of Hindu Swarajists led by Mahatma Gandhi will not recognize the claims to political wisdom of the great political leaders who are now all holders of high posts, who laid down the rule of communal representation as the panacea of all evils. Hindus and Muhammadans of all shades and opinions are also now not prepared to admit the political infallibility of Mr. Montagu who, I regret very much to say, has been thrown out by his constituency. So I had better follow Mr. Syed Nasim Ali's advice to be guided by experience. In these matters the lessons of history and the experience of mankind are surely the only guides. Here communal representation means representation of a certain religious sect, i.e., Muhammadanism, not representation of a certain community, such as, European or Armenian. Do not forget that.

Now what do the lessons of history teach us. In no country in the world, in no age, history tells us, has communal representation on a religious basis been recognized. Islam never recognized it. In the Roman Empire, for the first time in the history of man, were granted civic rights as they are now understood. Roman, Greeks, Jews, Muhammadans, Christians and Pagans who had the rights of Roman citizenship had all equal rights and there was no communal representation for a thousand years of the empire of Rome. Then came the idea of State religion in the countries of Europe and with it religious disabilities of all non-conformists. When Roman Catholics were in power, they refused political rights and places to Protestants, and when the Protestants became predominant they did the same towards Roman Catholics. The struggle to free civic rights from being tied to the chariot wheels of the fanatical religious idea of subordinating reason and every temporal matter to the imperative dictates of revealed books as understood by various sectarians first began with the jurists of the Netherlands, Grotius, and other great writers. The encyclopædists of France and the great Revolution completed the work and man was freed from the

nightmare of religious fanaticism which had drenched Europe in blood in the name of uniformity of religion. Are you aware this linking together of civic rights with sectarian religion was the cause of the emigration of the pilgrim fathers and the founding of the great republic of America? Are you aware the question again arose when the federal constitution was debated there? President Adams said—

> Religious discord has lost her stings; the cumbrous weapons of theological warfare are antiquated. Our age is too enlightened to contend upon topics which concern only the interests of eternity. At this day, religious indulgence is one of our clearest duties, because it is one of our undisputed rights.

Alexander Hamilton, one of the greatest statesmen and orators of America, said—

> We are convinced that popular assemblies are frequently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations is necessary. What we apprehend is that some sinister prejudice, or some prevailing passion may assume the form of a genuine interest.

He was of opinion that "the local interests of a State ought in every case to give way to the interests of the Union." We, too, are afraid of some sinister prejudice, of some prevailing passion. When we accept self-government as understood in Europe and America we must adopt its basic principle that we agree to meet and act together for our secular welfare and must not allow the imperative claims of spiritual revealed rules to intervene in any way in such matters. If we allow representation by religious sectaries there is an end of all civic rights, to establish which Europe and America had to waste through a sea of blood. I bring to your mind the revolutions of France, the fight for the removal of religious disabilities in England and the bloody revolution in Russia. Last of all I bring to your mind the distressful story of Ireland. Do you know why that country is being devastated by internal dissensions? It is the same claim of separate electorates and separate representation and separate parliaments. Please do not travel by the path which is sure to lead to dissensions and bloodshed. We want a civic State in India freed from the fetters of religious prejudice. The modern State cannot entertain the validity of the imperativeness of the commands of the vedas or of the Koran, say, on the question of cow-slaughter, on which my Muhammadan brethren are perhaps justly apprehensive. Let us be guided by the experience of nations. Wherever the claims of religions and sects were allowed to intervene in matters of civic and political administration, they led to bloodshed. Modern Europe and America have laid down that such claims are inadmissible. Separate electorates of sects on religious grounds are nowhere found. Let Mr. Syed Nasim Ali and his friends follow the salutary rule laid down by them, namely, the rule of experience of the human race.

Again, Sir, I am one of those men who are convinced that in the near future the population of Bengal will be preponderatingly Muhammadan. We, poor Hindus of Bengal, on account of our dissensions and shortsightedness and our inferior physique, are fast dying out. At the present moment the Muhammadans are not as educated as Hindus and there are a larger number of rich people among Hindus than among Muhammadans, though the great mass of Muhammadans of Bengal are better off than the mass of Hindu population. Knowing what our ultimate fate would be, I am very anxious that our Muhammadan brethren should cultivate pro-Hindu feelings. If the Muhammadan members of local bodies be elected by Muhammadans only, only anti-Hindu Muhammadans may be elected. But if we, Hindus, who will soon be in a minority, have a hand in electing Muhammadan members, Muhammadan candidates will all cultivate friendly feelings towards Hindus. For pity towards us the Muhammadan members should give up all exclusiveness. In East Bengal and North Bengal even now the Hindus are at the mercy of the Muhammadans, and we, Hindus, require special seats allotted for us. I hope that already belated relief to Hindus will soon be given to them. But in that case if I am here (I am not very anxious to be here) I shall certainly oppose communal representation for Hindus as I am to-day opposing communal representation for Muhammadans. The Bengali nation that will be evolved in the near future will be Muhammadan with a leaven of Hindus. The Hindu leaven should be isolated by my Muhammadan brethren, but it should be allowed to mix and make a splendid political body. My Muhammadan friends are all looking to Arabia and Turkey. But is not Bengal, Sujala Sufala Malayaja Shitala, better than those countries? Are not the Bengali Hindus more intelligent, more spiritual, more gentle, and withal, more lovable, more desirable neighbours than Kabulis and Habshis? Let my Muhammadan brethren remember how we have been living amicably together for generations. The great majority of them were originally Hindus. Please assimilate the ancient Hindu culture. Be not like Buktiar Khilji who burned the great library at Odaitpur or Bihar because there was no Koran. Blood is thicker than water, blood is more potent than the traditions of Arabia. Let us form one great nation. Exclusiveness will prevent that consummation so devoutly to be wished for, communal representation means exclusiveness. Communal representation means election of men who in the clash of Hindu and Muhammadan ideals of life will stand for exclusive fanatical Muhammadan ideals against Hindu ideals. Educated Muhammadan with liberal ideals will have no chance—they will be nowhere. Already there are signs that all liberal culture, association, with modern science and modern philosophy, is not quite fashionable. I say with pain that even among Hindus so-called nationalists liberal culture is at a discount. It is no wonder that among Khilafatists, in the reawakening of Islam, Western culture and liberal ideals, as prevalent in modern Europe, will be at a discount. Notwithstanding the

apparent entente the clash will soon come for orthodox Hindu and orthodox Muhammadan ideals, it must be admitted, are conflicting. They must be reconciled by modern liberal ideas. They are the only means by which a united nation can be formed. According to modern political ideas, communal representation is inadmissible. It is no argument to say that it has been allowed in Council elections. It is not defensible on principle and is impolitic and harmful. But surely though there may be some plausible grounds in the case of Councils which have to decide between conflicting political and other rights there can be no ground whatsoever for separate electorates in municipal matters. Sanitation, good water, good roads, clean drains are neither Muhammadan nor Hindu. All are equally interested in matters municipal. Even in the case of Councils, I must say, in the words of Daniel O'Connell, "the present system disavowed by liberalized Europe, disclaimed by sound reason, abhorred by genuine religion, must soon and for ever be abolished."

Babu NIRODE BEHARY MULLICK: The question of the principle of communal representation was thoroughly gone into during the second reading of this Bill, and consequently, I do not wish to go into the details of this question now. I may be permitted to take it that the remarks made by the various members of this Council this afternoon have been read by those who wish to come to a fair and just decision on the question. To-day I shall satisfy myself with an examination of some of the mischievous arguments which have been raised of late, and which are calculated to create a bias against communal representation, through communal electorates. Before I come to an examination of these arguments, it is necessary to bear in mind that the question before the House is not whether election through general constituencies is more desirable than election through communal constituencies, but whether in view of the conditions obtaining in India, and especially in Bengal, and in view of the ideal of responsible Government, communal representation through communal constituencies can be swept away. That being the question, I do not see how the opinion of Mr. Montagu, whose knowledge of the various peculiar conditions relating to caste, creed, and race is not only nil but misleading, can affect the question. Members of this Council will, perhaps, remember that Mr. Montagu made the most astounding and ridiculous statement that has perhaps ever been made on the floor of the House of Commons since its inception, viz., caste system in India is decadent, because all men are towed by the same railway car. This late Secretary of State for India, who seems to be fortunately hoping to slowly realize that there are worse things on this earth than were thought of in his political philosophy, as embodied in that verbose document, declared that caste system or racial feeling is decadent in India because all Indians breathe the same air and live under the same spreading sky.

Dismissing therefore the opinion——

Mr. PRESIDENT: We are not discussing the question of the Hindu caste system to-day. We are discussing the question of special electorates for Muhammadan.

Babu NIRODE BEHARY MULLICK: My point is this. Mr. Montagu has been quoted as an authority on this question. I wish to point out that Mr. Montagu's opinion is not worth anything.

Mr. PRESIDENT: I do not think it necessary to go into such length as that. After all, a very casual reference was made to the report and not a word was said about the opinion of Mr. Montagu.

Babu NIRODE BEHARY MULLICK: Dismissing, therefore, the opinion of Mr. Montagu with the indifference it deserves, I shall proceed to examine some of the mischievous arguments which are calculated to create a bias against communal representation through communal electorates.

First, it has been said that in case communal representation through communal electorates is granted, then men of extreme views and not of moderate views will have any chance of election to the Corporation or to other elective bodies. Nothing can be more mischievous and further from the truth. The present Council is the result of communal representation through communal electorates. Are we here, men of extreme views or of moderate views?

The second argument calculated to create a bias against communal representation through communal electorates has been imported from Madras. It has been said that peace between the Brahmins and non-Brahmins of Madras has been obtained by the granting of communal representation through mixed electorates to the non-Brahmins. Here it should be remembered that out of the total population of Madras, non-Brahmins form about 40 millions and Brahmins only one million and a half. The voting strength of the non-Brahmins in Madras, as will appear from the famous note of dissent of Sir Sankaran Nair will be 9 out of 10. Therefore, what the non-Brahmins of Madras have done is this: They have completely ignored the Brahmin voters and for all practical purposes have got communal representation through communal electorates. Here, in Calcutta, the situation is different. Here, in Calcutta, the Hindu voters being in a majority, it will be possible for Hindus or those handful of Muhammadans, who pander to their wishes, to completely ignore the Muhammadan community. Let there be no mistake about this point, for Mr. Montagu's lieutenants appear to be more vigilant than they ought to be.

The next mischievous argument calculated to create an equal amount of bias is the one which says that, in case communal representation is

granted, the next commission of inquiry will report that inasmuch as there are so many divisions, India is not fit for full responsible Government.

The famous announcement of the 20th August, 1917, declares in a nutshell that the policy of His Majesty's Government is the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire, and further progress will depend upon the co-operation and the sense of responsibility of the Indians. Nowhere in the announcement, or in those various other documents associated with this announcement, is it laid down that unless Muhammadans become Hindus and grow *tikis* or Hindus become Muhammadans and grow overflowing beards, there is no chance of full responsible Government. It may be in the recollection of members of this Council that a few months back a resolution was carried in the Legislative Assembly asking for a larger share of responsible Government in the provinces and in the Central Government. In answer to this resolution, the Secretary of State recently issued a despatch in which also there is no mention of a condition of this character. I am not, however, disposed to deny that a better feeling and understanding between the various conflicting classes is essential to the growth of an atmosphere associated with responsible Government. But I say this, that such an atmosphere will be created not by thwarting the legitimate aspirations of different classes, but by rather helping the realization of those aspirations in a true spirit of citizenship.

Some time back in connection with the discussion of this very question I said that in a matter like this Muhammadans ought to be the sole judge and their decision, whatever it may be, ought to be taken as final. Some days back I was rather glad when I heard a similar argument advanced by the exponents of the amalgamation of Maniktala with Calcutta in the name of local option. I hope and I have no right to hope to the contrary that those gentlemen who advanced this argument will show their sincerity and courage of conviction by extending a similar privilege to the Muhammadans. Lastly, I wish to draw special attention to that part of the announcement of 20th August, which emphasizes the word co-operation as contained in the sentence. They, (the British Government and the Government of India), must be guided by the co-operation received from those upon whom new opportunities will be conferred. To-day the Muhammadans are only asking for the simple and elementary right of co-operation on conditions which are fair to the Muhammadans, to the Government and to all others who can view the subject from an unbiassed angle of vision. But if, by failing to co-operate on the fairest of conditions, a considerable section of Muhammadans seeks for an expression of their grievances through other channels pleasant neither to the British Government nor to the

best friends of the British Government, the sole responsibility then will lie upon those who are trying to-day to compel them to seek those other channels.

Khan Bahadur Maulvi EMADUDDIN AHMED: As I was absent I could not take part in the debate earlier. I have just now heard from the Hon'ble the Minister of a compromise in regard to the matter under discussion, but before deciding one way or the other, I wish to make my position clear. Mr. D. C. Ghose has said that there is no need of a special electorate, there is no need of special treatment of Muhammadans as the interests of the Hindus and Muhammadans are not divergent. This is a matter which requires very careful consideration. We find in the mufassal and also in some districts that there is a divergency of interests in the two communities. How divergent are the views held by the two communities as regards the slaughter of cows.

Mr. D. C. GHOSE: May I make a personal explanation?

Mr. PRESIDENT: Yes, only a personal explanation.

Mr. D. C. GHOSE: My remarks apply to the Calcutta Corporation and the Calcutta Corporation only.

Mr. PRESIDENT: Thank you.

Khan Bahadur Maulvi EMADUDDIN AHMED: What he said may be true of the Calcutta Corporation, but in the areas of which I have some experience the interests of the two communities are widely divergent. In the matter of education, the time is not far distant when the whole policy will be governed by the Calcutta Corporation. The Muhammadans are in a minority and their interests are sure to suffer unless they have their own men there to represent their cause. Is it not the bounden duty of our enlightened friends to see that we take our part in the civic life of the Corporation, get into the higher spheres, and thus become either a Vice-Chairman or a Chairman or even a Minister? At present these posts are practically reserved for the Hindus. Unless you give us an opportunity of taking part in the civic life of the city, will it be possible for us to get to the higher spheres of life which I just mentioned? There is no doubt that there are some friends who will sympathize with us, but it is only through a special electorate that we can get what we want. We cannot hope to get any higher appointments unless there be a special electorate. Some time ago, when there was a Muhammadan Vice-Chairman, the question of the demolition of a mosque because of its encroachment on municipal land was under consideration. The Vice-Chairman took the matter into his own hands and effected a compromise. But immediately after a fresh election, when a Hindu became Vice-Chairman, the whole question was revived: there was a serious quarrel and the matter went up to the law courts.

Both the Hindus and Muhammadans were at loggerheads with one another. If a Muhammadan were at the helm of affairs, such things could not happen. So, it is desirable that we should be given a position in the Corporation, even if it be a subordinate one. We can later on rise to the higher positions. As Mr. Gladstone has said the first things in a civic life are learnt in a municipality, so it is immensely desirable that we should have a share in the administration of the municipal affairs of Calcutta. If you want to see brotherly feelings between the Hindus and Muhammadans you must give the latter a hand in municipal affairs.

Babu Surendra Nath Mallik said the other day that the Muhammadans do not get their due share in the matter of appointments. I do not know whether he had appointments in the Corporation in his mind, but it is true that because there is no Muhammadan gentleman in authority in the Corporation the Muhammadans do not get their due share of appointments. If there were, they could press their claims. As my friend, Kumar Shib Shekhareswar Ray, has said, in the mufassal you will find a different state of things; some Muhammadans in local boards, you will find, are lording over Hindus and uneducated Muhammadans are given preference to Hindus. This state of things, I say, must be removed. It has been pointed out by a friend of mine that the Sirajganj municipality is run by Muhammadans and Hindus have no place there. But is it a desirable state of things that Hindus should be excluded altogether? The time is come when we must think of some compromise. It is but proper that some seats should be reserved for each community. Time will come when there will be no necessity for it, but at present where justice demands that Hindus should be given preference, we must accept to it and also where justice demands that Muhammadans should have preference, our Hindu brothers must also agree. In this connection I may be permitted to take the name of that great leader, Mr. Gandhi. He said in intelligence, wealth, education, and in fact in every sphere, Hindus are far superior to Muhammadans. So, let the Muhammadans have as much as they want. In this way we can win over the Muhammadan community to our side. That was said by that great leader and I think it is one of the reasons why so many of my co-religionists joined his flock.

The provision that has been made in the Municipal Bill, to quote the words of Kumar Shib Shekhareswar Ray, will turn renegades, and renegades from our community will go to the Corporation because the balance of power will be in the hands of the Hindus. In each ward, the Hindus will preponderate and they will, having the balance of power, give a seat here and there to a Muhammadan. Those who have the experience of electioneering campaigns know how these are manœuvred, and only a Muhammadan who is a renegade stands a chance of being returned by the Hindus. Who will be satisfied with these renegades?

Not the true Muhammadans. Some of our friends said: "Let us have 25 seats to be returned by mixed electorates," but I should be satisfied with 8 seats to be returned by Muhammadans alone. I do not care for the number of seats, but I want some purely Muhammadan seats, whatever their number may be. Coming to the compromise which has been proposed by the Hon'ble the Minister, I do not know whether to accept or to refuse it.

It is our bounden duty to respect our leader and to go over the whole question again, and let us hope that communal representation when it has been once granted will not be taken back, but will be continued and in that sense I support it.

As regards the compromise that has been put forward by our venerable Minister, who has thought over the matter so carefully, I canont think that at the end of nine years it will *ipso facto* fall to the ground and fail to be considered again, because several changes will have occurred in the course of these nine years which may materially alter the state of affairs in this country and in this view I support the proposal for compromise.

Khan Bahadur Maulvi WASIMUDDIN AHMED: In this debate the whole question turns more upon the question of principle than of political expediency. One of my friends, for whom I have got the highest respect, has suggested that by following the other course we could be assured of 25 seats, but I consider that as a bait to draw in the Muhammadans to their side and advise them to give up the cherished principle which has been organized by the Muhammadan leaders along with the Hindu leaders who have got the good of their country at heart. Sir, it is the question of principle for which we fight. We know very well that by whatever processes the Muhammadans could be returned to the Calcutta Corporation, their number could never be so high that they could have any appreciable voice in the matter of its administration. But if we stick to the principle of communal representation, there is one great advantage that the opinion expressed by the Muhammadan commissioners would truly reflect the views of the Muhammadan community as a whole. But if a Muhammadan was returned by a Hindu constituency and he happened to concede a point in favour of his Hindu brethren, it might be construed by the people at large that because he was elected by a Hindu constituency, he acted in deference to their feelings with the prospect of getting their votes again in future, otherwise were he free to act according to Muhammadan ideas he would not have done so, and his concession will have lost some of its strength. On the other hand, even if a few members of the Corporation truly representing the Muhammadans conceded any point raised by the Hindus it would show to the world that those concessions

were made by Muhammadans who were truly returned by the Muhammadans whom they represented. This is an advantage which nobody should give up.

My friend, Dr. Hassan Suhrawardy, has said that we must look to the rule of the survival of the fittest. I know that it is a law of nature that we must obey and also guard against. As a matter of fact, Government is a force that tries its level best to keep down this law of nature. Rai Jogendra Chunder Ghose Bahadur has laid bare the teachings of history in this respect, but, Sir, history is history and the facts which it contains are read differently by different people who draw their conclusions according to their own choice. Let us look to the history of America. Who were its original inhabitants? After them came the Europeans with better force, better science, better instruments and better knowledge as to how to live in this world and rule the forces of nature, which resulted in the enunciation of the doctrine of the survival of the fittest. I am fighting for communal representation because I consider it to be the stepping stone to the survival of the fittest by safeguarding our interests.

Mr. Ajoy Chunder Dutt has said that—majority or minority—it is no ground for communal representation. If 400 Muhammadan voters of a particular constituency return a Muhammadan while there are 4,000 Hindus in the same constituency, then the particular Muhammadan member does not represent the constituency to which he has been returned by a very small number of the people. Mr. Syed Nasim Ali has already explained that it is for that reason that we want a separate Muhammadan constituency. If a Muhammadan is returned by both Hindus and Muhammadans of whom three-fourths are Hindus, he is apt to act according to the wishes of his Hindu voters and go against his conscience and duty towards his own community. So the interests of the Muhammadans might not be sufficiently safeguarded under the principle of mixed electorate, and I think this is the strongest ground, as I have said, for having a separate electorate on a representative body such as the Calcutta Corporation, on which the Muhammadan members can act according to their choice.

In a country where the people are sufficiently advanced or are equally educated or have got the same advantages, there only the general electorate may suffice; but, unfortunately, Sir, things are quite different here. There is some truth in the arithmetical formula that two and two make four. Four mangoes and eigth jack fruits make 12 fruits, no doubt, but their weight is quite different. [A voice: Yes.] Justice is justice: but right is one thing and benevolence is the highest justice, because benevolence will look to the particular circumstances and the respective claims and it does not go on an arithmetical basis and takes into consideration some other facts which every politician must keep in mind.

One other fact which I shall ask the members to keep in mind is that although the Muhammadans are numerically superior to the Hindus, they are subject to several influences for which they dwindle into insignficance, their numerical superiority notwithstanding. In Bengal there are many Hindu landlords, etc., who exercise a vast influence over their activities. If there were no separate electorate, as we have got it now, I am sure that Dr. Hassan Suhrawardy, who spoke so loudly in adoration of the general electorate principle, would have found no place in this Council here, but would have been somewhere else (Hear, hear). In the municipalities we find the same thing. In the Pabna municipality, of which I was chairman for some time, there was good feeling between the Hindus and the Muhammadans. I was no less liked by my Hindu brethren than by my Muhammadan friends, but somehow or other the Muhammadans always had a greater share in the conduct of its affairs. Recently the rules of election have been changed. The Muhammadan voters could not give all their votes to the Muhammadan candidates and in Ward No. 1, although there were good candidates for election, none could be elected as the Muhammadans had to distribute their votes among the Hindus and Muhammadans with the result that no Muhammadan could be returned. That is the direct result of the change in the rules of the electoral system, and, as my friend Khan Bahadur Maulvi Emaduddin Ahmed, has said a mixed electorate would no doubt return Muhammadans, but they would be Muhammadans only in name, quite different from those who truly represent Muhammadan views.

We want solidarity. That is the chief ground for advocating the general electorate instead of communal representation. We find that when two brothers in a family cannot live amicably and there is a tense feeling between them, even the hoary heads recommend that they should separate and manage their own affairs and look to their own interests separately; and we find from experience that after the brothers have separated, their feelings of amity are restored; and they live in greater peace and comfort than when they were members of the same family and members of the same mess. The same is the case with the Muhammadans also. If, after fighting very tough fight with our Hindu brethren, we cannot get our best men elected, we will say—in spite of our other faults—that the power lies in the hands of the Hindus, and attribute everything to this fact so that the gulf between us will steadily be widened rather than bridged.

With regard to the compromise that has been proposed by the Hon'ble the Minister, I think that notwithstanding principles we are often obliged to be guided by considerations of expediency. As we are at present situated, having regard to the various circumstances, I should like to accept the compromise for the present. If the circumstances improve after these nine years, and we attain such a position that we consider our position quite safe under the general electorate system—

in that case the rule may become automatically inapplicable, but if we still find that we are not yet safe, we shall be forced to take some other steps which we need not anticipate now.

I think it is better for the Muhammadans as well as my Hindu brethren to accept the amendment that has been proposed by the Hon'ble the Minister.

Mr. BIJOYPROSAD SINGH ROY: I wish that instead of submitting to this compromise of very doubtful merits, it would have been possible for the Hon'ble the Minister to announce here to-day, like the President of the Lucknow Congress that the Hindu-Moslem question has been settled, the difference over the question of communal representation has been made up, and that the Hindus and Muhammadans had decided to offer a united welcome to the Bill which proposes to confer greater civic rights on the citizens of Calcutta, and that the members of the two communities have joined hands to make an united and determined effort for the success of the municipal administration of this great city. But instead of that, we are very much disappointed to learn from the Minister that he is willing to accept the compromise. From the attitude of my Muhammadan friends it seems to me that their idea of self-government is not based on the lessons of history, not based on the wide principles laid down by statesmen of culture and experience, but based purely on sentiment and emotion; because both Indian and European leaders of public opinion have not failed to impress on us that there can be no future for India as a nation unless the members of the two communities agree to act in a spirit of co-operation and until a friendly feeling of a sufficiently durable character is developed amongst them. Sir, Indians who want to devote themselves to the cause of national advancement, and whose goal is the dominion form of self-government, cannot but refrain from joining similar controversies which are likely to embitter the feeling between the members of the two communities. Sir, religious feeling has played a great part in politics. It has led people of one country to fight with another. It has led members of one community to mistrust another, but there are instances in history which will prove that people professing different forms of religion, people following diverse manners and customs, have agreed to submit to a common political faith to work out a common destiny. The chief argument on the side of my Muhammadan friends seems to be that the number of seats which have been allotted to them is inadequate and is not commensurate with their political influence in this city. Sir, this question of communal representation has been discussed threadbare on this occasion as well as on the previous occasions and it has been proved conclusively by the Hon'ble the Minister and by several members of this House that considering their voting strength, rating strength, and numerical strength, the Muhammadans of Calcutta, cannot claim more than seven seats. [A voice: Question!] I am speaking of the old arrangement,

I mean, of old Calcutta and not Calcutta which is to be enlarged by the incorporation of Maniktala, Cossipore-Chitpur and Garden Reach, but the advocate of communal representation have failed to meet these arguments by facts and figures. Sir, Mr. Syed Nasim Ali has said that Bengal is the home of the Hindus as well as of the Muhammadans, and, therefore, Muhammadans want a full share in the administration of this province. Sir, when a member of any community comes up and says that his community is important and it requires just and fair treatment, I think he has got a claim on the sympathy of all. But when he comes forward and says that his community is a great political importance and demands in the name of that community privileges which are more than its fair share, I think his claim should be carefully examined and members of other communities cannot be expected to agree to it so easily.

Mr. SYED NASIM ALI: May I offer a word of personal explanation. I never said that Muhammadans ought to have more than the share they are entitled to. All that I meant to say was that the Muhammadans ought to have their legitimate share in the administration of the affairs of Calcutta.

Mr. BIJOYPROSAD SINGH ROY: The Muhammadans are entitled to seven seats and they have been granted 13, they are still asking for more. I cannot understand what Maulvi Syed Nasim Ali means by legitimate share. Moreover, the question of political importance should not be raised in municipal matters. After all, the Calcutta Corporation is a municipal body. Its duty is not to legislate for the people of this city. Its duty is not to solve general political questions, but to look after the construction of roads, repair of roads or to make better arrangements for water-supply. Where is the room for a conflict of communal interests in these matters. The only point on which they may differ is the question of the slaughter-house. In this connection I may be permitted to submit that an educated Hindu, whatever may be his religious opinion and however conservative, he may be in this respect, he is liberal enough not to attempt to enforce his own religious opinion on the members of other communities (Hear, hear). The Hindu community is again divided and subdivided into different castes and sects and if we agree to the principle of communal representation between the Hindus and Muhammadans, how can we ignore the claims of the members of the depressed classes. There may be a little difference of opinion between the members of different classes, but I think that in the greater interests of the country as a whole, the legislature ought not to give statutory recognition to these little differences.

The next argument advanced in defence of communal representation by Maulvi Syed Nasim Ali, is that Muhammadans elected by a mixed electorate in which the Hindus preponderate will not represent the Muhammadan interest. The Muhammadans thus elected will be

Hinduised Muhammadans. [Several voices: Yes, yes.] It is an argument indeed. The great Dadabhoy Naoroji represented an English constituency in the British Parliament, did he cease to be a Parsi, and Mr. Saklatvala now represents a British constituency in the Parliament, has he ceased to be a member of his own community? There is our friend, Mr. S. R. Das, who is a representative of the Burrabazar constituency in this Council. As Burrabazar is mostly inhabited by Marwaris has Mr. Das ceased to be a Bengali and become a Marwari? (Hear, hear.) When the Hindu members of this Council ask their Muhammadan friends not to press this question of communal representation, they do it not out of spite or jealousy but because they think it is their duty to oppose communal representation in the interests of the nation as a whole. As has been pointed out by my friend, Kumar Shib Shekhareswar Ray, and several other members, there are District Boards in Eastern Bengal where you will not find a single elected Hindu member. In spite of that we oppose communal representation. [A voice: Question.] With the full consciousness of the risk that we are running with regard to the Hindu interests, we want to oppose communal representation, simply because we believe that if this principle is further extended it will strike at the very root of nationhood and it will do away with our hope of a happy blending between the two communities for ever.

Mr. Syed Nasim Ali made an eloquent appeal to the European members of this House and reminded them of the promise of Sir Robert Watson-Smyth to vote with them. I may say that any Englishman who will support communal representation will be going directly against the British principle of self-government. I am sure as an Englishman and as a member of a self-governing nation, he cannot believe in the principle of communal representation. Every Englishman knows well that Government by the people cannot succeed unless the members of the different communities agree to make up their little differences and merge the communal interests in the national interests. With these words, I beg to oppose the proposal for compromise.

Rai Dr. HARIDHAN DUTT Bahadur: I believe that this compromise which has been suggested to us is nothing less than a veritable apple of discord. I have very high respect for Mr. Langford James; if this compromise had come from anybody else, I would have been very suspicious and thought that it was an attempt to divide and rule. Coming as it does from a gentleman, who is above suspicion, I presume that he has misunderstood the whole situation. Leaving him aside, I must express my deep regret that our Hon'ble the Minister has thought fit to accept the compromise and come forward with a series of amendments on the original proposal. I yield to none in my admiration for the Hon'ble the Minister, but at the same time I must say that he has not understood the depth of feeling with which we are prompted at the

present moment. He has thought fit, perhaps with a view to be diplomatic, to save the situation by accepting the so-called compromise; but diplomacy is not always justifiable. We did not expect that Sir Surendra Nath Banerjea, for whom the whole country had the highest respect, should accept a diplomatic course to compromise on a point upon which the whole country feels so deeply. All of us who come from the Corporation feel that this has been the most unkind cut upon the workers of the Corporation. It has been unfair to the Corporation as a body, and once more I say that it has been the most unkind cut upon its present members. Actually this casts a slur upon the present working system of the Corporation. I may be wrong, but that is the interpretation that many are bound to put on it. Three years ago when Lord Sinha was in charge of the Government portfolio, he prepared a Bill for the amendment of the Calcutta Municipal Act. That Bill provided separate representation for the Muhammadans based on communal lines, but when it was placed before the country, what was the result? It was unanimously rejected. Where were my Muhammadan friends at that time? The Bill was before the country for some time, and then came the Reforms, and after the ushering in of the Reforms, that precious Bill was withdrawn and the one substituted in its place is the present Bill before us, hollowed with the name of Sir Surendra Nath Banerjea. If that Bill is going to be altogether martyred and the old Bill with communal Muhammadan representation brought into operation, then, I hope, that the name of Sir Surendra Nath Banerjea would not be associated with it. The Corporation took up the question of communal representation, I must say, in a very reasonable, fair, and impartial manner. They had conference after conference, and meeting after meeting. Some of our Muhammadan friends, whom I find round me here, took part in those deliberations in the Corporation. They discussed this important question in all its aspects, and subsequently came to the conclusion that 13 seats should be ear-marked for the Muhammadans. This figure was agreed upon both by the Muhammadans and the non-Muhammadans and the principle of ear-marked seats for the Muhammadans, but election through joint electorates was accepted as the best solution of the difficult problem. My friend, Mr. Fazl-ul Haq, who is here, will correct me if I am wrong. Was not this compromise accepted by my Muhammadan friends in the Corporation? Was not the number 13 agreed upon to satisfy our Muhammadan friends? This fresh demand now put forward by the Muhammadans may be diplomatic, but it is not fair to the others concerned. Sir, discussions have been raised and opinions expressed as to how the number 13 was arrived at.

Mr. HUSEYN SHAHEED SUHRAWARDY: On a point of order, may I inquire whether we are discussing the question of the number of seats?

Mr. PRESIDENT: You may leave me to manage that, Mr. Suhrawardy.

Rai Dr. HARIDHAN DUTT Bahadur: My friend is always anxious over points of order; he is perhaps anxious for the presidential Chair.

Mr. PRESIDENT: Order, order!

Rai Dr. HARIDHAN DUTT Bahadur: My Muhammadan friends are very anxious to increase the number of their seats in the Corporation, but was not 13 more than what they can reasonably claim? The acting Chairman who is here, would be able to tell you that numerically the Muhammadans are about 20 per cent. amongst the inhabitants of Calcutta. We have carefully calculated that according to population and from the point of view of voting right, etc., the Muhammadans can never claim more than 10 or 11 seats.

Mr. PRESIDENT: I do not want you to go on with regard to the exact number of seats to which Muhammadans are entitled; you will have an opportunity to talk of that later on.

Rai Dr. HARIDHAN DUTT Bahadur: All right, Sir, I will leave that point altogether. I now draw the attention of the Council to one thing which strikes me as very important in connection with the present debate. There is a good deal of difference between the Legislative Council and the Corporation. In the Legislative Council we meet to make laws for the country, and here I can well understand the Muhammadans clamouring for having communal representation. But what about the Corporation? My Muhammadan friends must be well aware that the Corporation's primary duty is to look after the conservancy, lighting, roads and drainage of the city. [A voice: Question.] My friend questions this; he draws attention to some sections which are now under consideration; but my friend is wrong. What are the primary duties of the Corporation? Will he kindly take the trouble to understand that? Now I ask my Muhammadan friends to tell what difference it would make to a Muhammadan or Hindu ratepayer so long as the city has the best system of lighting and conservancy, the best system of roads and an efficient system of drainage. If we have all these conveniences of the best, does anyone suggest that the Muhammadans will be less benefited than the Hindus? Coming to the question of primary education; during the last six months we have been trying to spread primary education among the poor people of Calcutta. My friend, Maulvi Fazl-ul Haq, will tell you how most of us have been anxious to see that Muhammadan interests have been safeguarded in this important matter. If you realize that the municipal interest of the Muhammadan is safe in the hands of the Corporation, then why clamour over the constitution of the Corporation? The only thing over

which, perhaps the Muhammadans can clamour, is the question of Muhammadan employment in the Corporation. I must admit that they have reason for complaint in this connection. But, Sir, I have been associated with the Corporation for over 20 years, and I know occasion after occasion has arisen when advertisements have been issued and attempts made to get suitable Muhammadan candidates for vacant posts. Every facility was given to Muhammadan candidates, but at the last moment it had been found that the Muhammadan candidates were deficient in the necessary qualifications. [Several voices: Question, question.] Sir, this is questioned, but this question can only be answered by references to the Corporation proceedings.

Mr. PRESIDENT: You need not pursue that part of your argument.

Rai Dr. HARIDHAN DUTT Bahadur: Very well, Sir. In any case my experience is that Muhammadans have been given every possible chance, but at the same time I must admit, as I have already done, that they have ample cause for grievance. We are anxious to remedy this and my friend, Babu Surendra Nath Mallik, I know, is equally anxious to give the Muhammadans a better chance in the Corporation services.

Then, I wish to draw your attention to the feeling outside this Council. Look at the deliberations that took place in the Corporation and the feelings expressed there? Have the feelings of the Corporation no value whatsoever? Some say no, nothing. Is the Corporation a body which deserves to be treated like that? I leave it to the Council to consider. One bad effect of this discussion here will be the raising of animosity between Hindus and Muhammadans outside. I come from Ward No. 9 and as a representative of both Muhammadans and Hindus, I can tell you that the animosity was not there, but it is gradually being raised. If any friend of mine places nationality above everything else, then he should not do anything to increase this animosity. The other day in the debate over women's franchise, the opposition came mostly from the Muhammadans. Of course, my friend, Kumar Shib Shekhareswar Ray, was one of the oppositionists. They all opposed special representation or any representation of the ladies at all. Where was their sense of justice then? I hope they would be consistent.

I would like to point out another thing. If you want to give special representation to minorities you must look to all different communities. I admit the Muhammadans form a very important minority, but other minorities may also claim the same method of treatment. Look at my friend, Mr. Cohen—what about his community? What about the Armenians, the Parsees, and other people? I feel that it does not matter who the representative is, whether he comes from the Hindu or

the Muhammadan communities, provided he is a really good and efficient man. Two of our Jew friends have been occupying two seats in the Corporation for the last 19 years. [Several voices: Question, question.]

Mr. PRESIDENT: Order, order! There is too much interruption going on. The member must be allowed to go on without interruption.

Rai Dr. HARIDHAN DUTT Bahadur: They have been on the Corporation for the last 19 years simply because they have commanded the confidence of the ratepayers of their wards. I can similarly cite instances of Muhammadan gentlemen. Our late friend, Nawab Badruddin Haidar, for nearly 35 years represented Ward No. 8 and guarded the interests of both Hindus and Muhammadans. How was it possible for him unless he commanded the respect of the Hindus, as well as the Muhammadans? In Ward No. 9 which I represent now, Dr. Zahiruddin Ahmed was representative for many years and most of the people were most enthusiastic in their support of Dr. Ahmed.

[Here the member having reached his time-limit was allowed by the President another two minutes to complete his argument.]

Rai Dr. HARIDHAN DUTT Bahadur: I only conclude by saying that we should try and find out what would be the effect of this communal representation on the Corporation. At the present moment we have been working in the Corporation without difficulty, without any rupture and without friction. I apprehend that this noble work will be very much jeopardized if you introduce into that body this communal representation.

Mr. PRESIDENT: This must be your last sentence.

Khan Bahadur Maulvi RAHMATJAN CHOUDHURY: I beg to say a few words regarding this much debated question of separate electorate for Muhammadans for representing Muhammadan interests in the Calcutta Corporation.

At the outset, I must say that at this stage, I cannot conceive in view of my experience in small electorates in the mufassal of a mixed electorate that can send in the right type of Mussalman members to the Corporation. To my mind to safeguard rightly the interests of the Muhammadans, they must themselves choose their own representatives. This principle has been well recognized in the present method of election to the Council.

It is contended that the Muhammadans will have their seats earmarked and the members will be returned by a mixed electorate. This system defeats the very purpose of separate electorate. The members, if they come from a special Muhammadan electorate, will be conscious of their position as representatives of the community, to whom they

owe their seats, and they are sure to safeguard the interests of the community. It cannot be denied that in wards of the municipality where the Muhammadans are always in a minority, if two Muhammadans seek election to a seat, the one securing all the votes of the Hindus, will be returned, while the other, securing all the Muhammadans votes, will be defeated if the electorate be mixed, though on the very face of it, the unsuccessful candidate is the real representative of the Muhammadans. Muhammadans will not certainly desire such a state of things. Considering the overwhelming majority of the Hindu urban population, it may with good reasons be concluded that the election of the Muhammadan members will entirely rest with the Hindu electors, and any effort of the Muhammadan electors to return a man of their own choice, in whom they have confidence, will be fruitless. It is really the representative of the Hindus with a Muhammadan name—exactly what the Hindus would like to have to hold out before the public, that his views are the views of the "reasonable" Muhammadan candidate only. So I would earnestly hope that when special claim of the Muhammadans are recognized they should not be debarred from the exercise of their right to choose their own men, this is the cardinal point of communal election by separate electorate.

With these few words I support the proposal of making a provision of separate electorate in the Bill under consideration.

Khan Bahadur Maulvi ABDUS SALAM: An English gentleman has, very appropriately, I think, intervened in this squabble between Hindus and Muhammadans, by holding out the olive branch of peace, and I am glad to find that the Hon'ble the Minister has been pleased to grasp it, and to formulate a compromise. In view of that consideration, I think it is wrong to indulge in language which is acrimonious and which can only tend to aggravate the tension between Hindus and Muhammadans on this important question of Moslem communal representation through separate electorates.

Therefore, with regard to the merits of this question, I will purposely refrain from saying anything at this stage as I have already spoken rather strongly on this subject twice at the time of the introduction of the Bill; it is on record and I do not think it would serve any useful purpose if I speak again on its merits. Nor do I deign to answer the many arguments decent and indecent, decorous and indecorous, which have been advanced by some of the members, both Hindus and Muhammadans, or rather at least one of whom is a Muhammadan; that Muhammadan member has cut himself off, much to our regret, from the general body of Muhammadans in this Council on this vital Moslem question. I will only say this, that after having got this compromise amendment from the Hon'ble the Minister we congratulate him for the consideration he has shown for the strong feelings of Muhammadans. At the same time, while we accept it, we want to make it clear that we do not

in any way abandon our position with reference to the question of separate Moslem electorate, nor do we mean that we have ceased to have faith in that principle of separate Moslem electorates. Nor do we, in any manner, bind our successors in this Council, who will come nine years hence. If they think, as we think to-day, it will be open to them to bring in any amendments in order to prolong separate electorates and to secure what we have secured to-day, further than that, it is not necessary for me to say. An argument has been advanced and pressed, that this principle of communal representation will violate and infringe the principle of an united India. I yield to none in this Council in my ardent attachment to the ideal of an united India, but I am no mere dreamer. Emperor Akbar's disturbed dream of an United India of the 16th century floats oppressively in my mental vision. United India is not to be secured in a day by Aladdin's lamp or by obnoxious legislative enactments. If it is to be secured its foundations must be laid firm and broad, on mutual change of hearts, on mutual affection and love between Hindus and Muhammadans, words, which our Hon'ble the Minister himself used to preach in our early days and which I can recall even now. When that millennium will arrive, no odious legislative enactments will be necessary, and no communal safeguards will be talked of; we will then go hand in hand as comrades towards the Promised Land which the magnificent statesmanship of Great Britain has unfolded before our eyes. With these few remarks, I support the compromise.

Professor S. C. MUKHERJI: I thank you from the very depth of my heart for giving me an opportunity of saying a few words on this subject. As I represent a very small community, a small minority, but a highly advanced community, I feel it is my duty to represent my community in regard to this matter at this stage. For six years, the All-India Conference of Indian Christians, which is the mouthpiece of the Indian Christian Community throughout the Indian Empire, fought tooth and nail for communal representation, through a special communal electorate. But in the light of experience this Conference at their last session at Lucknow passed a resolution condemning a special communal electorate. The announcement by the Hon'ble the Minister, for whom I have unbounded respect and admiration, came to me as a great disappointment, because I feel that he has given away a very good case and accepted a suggestion which, to my mind, seems to be nothing short of a sheer sham and a huge mockery. Minorities must have representation; it is only right and proper, equity and justice demands it, that minorities should have representation, and when the Hon'ble the Minister gave 13 seats—a reservation of 13 seats for my Muhammadan brethren—through the general electorate, he upheld equity and justice, and the other minorities looked up to him for the introduction of the same principle in regard to other minorities, small but important. The Hon'ble the Minister says that after nine

years this special communal electorate provision will automatically disappear. Not a single Muhammadan friend in this Council has accepted that in that light. Every Muhammadan friend who spoke that afternoon made it as clear as daylight that they do not accept the automatic disappearance theory of this special electorate provision, but they say they will reconsider the whole situation and look into it *de novo* and will decide the question as it will present itself to them at that time. Therefore, the Hon'ble the Minister's interpretation of the situation absolutely falls to the ground. And what is it that we are doing to-day? We are simply perpetuating this class division for another nine years. It is already there for three years and you allow it for nine years; and 12 years make one *jug*, and after one *jug* the Muhammadans will rise and say that they have acquired a prescriptive right in this business. The right of prescription will operate and they will say "here is this principle of special communal electorate, it has worked well for 12 years, it has served our purpose very well, and we are not going to give it up;" and that Council will not hold itself bound by any compromise given by the Hon'ble the Minister of Local Self-Government to-day. Therefore, I say that that compromise does not carry any weight. The result will be that we are accentuating a thing which is absolutely detrimental to the best interests of the country, and which is utterly subversive of national development. The perpetration of this principle of communal representation by a special electorate will simply retard the growth of national consciousness. It is a great pity that this thing which has been so strongly condemned by that great statesman, Mr. Montagu, will be perpetuated. In his report he says it will lead to the perpetuation of class divisions and sectional interests, and it will be destructive of real national growth.

Mr. SYED NASIM ALI: I thank the Hon'ble the Minister for Local Self-Government very much for bringing in this amendment to give effect to the compromise which was so happily proposed by Mr. Langford James. This reminds me, Sir, of the sayings of one of the great leaders of India, namely, Pundit Motilal Nehru which I quoted the other day. In a question like this peace at any cost, peace should be our motto. Sir, in supporting this amendment I hope I may not be misunderstood. I find that some of my Muhammadan friends are under the misapprehension that this acceptance of the principle for nine years would debar them from raising the question after that period. It is absurd to say so. Constitutionally, legally, we cannot bind ourselves or our successors. Nor does this mean that we are to abandon this principle of communal representation by separate electorate. Nor do we pledge ourselves or our successors to that effect. The whole question would be a question of onus. After nine years we will have to satisfy the Government that it is still needed. By making this compromise we simply take the burden of proof upon ourselves. That is the only disadvantageous position in which we have

placed ourselves. But in spite of that disadvantage we welcome it as we wanted peace between the two communities. Therefore, my idea is that all my Muhammadan friends ought to support his amendment, because by doing so we are simply taking the onus upon ourselves, not that we are abandoning the principle or pledging ourselves in any way.

As regards Mr. Ghose's objection, my short answer is this. Mr. Ghose says that there are no special interests for Muhammadans. I say that there are special interests. The very fact of there being reserved certain seats for Muhammadans in the Bill itself is proved in a nutshell that Muhammadans have got special interests. That simple fact answers Mr. Ghose's whole argument. Then I would remind him of the present policy of the Government. So far as Self-Government is concerned you will find from the resolution of the Government of India, dated the 16th May, 1918, that the present policy of the Self-Government for India is not drain-making, road-making or light-supplying policy. That is not the policy of Self-Government or rather of Local Self-Government. The resolution says—the first and foremost principle which was enunciated in Lord Ripon's Resolution of May, 1872, and which has since been emphasized by successive Secretaries of State is that the object of Local Self-Government is to train the people in the management of their own local affairs and that political education of this sort must in the main take precedence of consideration of departmental efficiency. That is, I believe, an answer to Mr. Ghose's argument and also to Rai Dr. Haridhan Dutt Bahadur's argument in regard to the administration of the Corporation. To my mind, Sir, the ideal of Local Self-Government is much more than that. We, Muhammadans, want that we must also be trained, we must also be given the scope and sphere for our political training. It is on that ground that we wanted a special electorate not that we particularly thought that there were many special interests for Muhammadans to be safeguarded. I stand here on a wider principle, viz., political training of my community for taking their proper share in the administration of the country.

As regards Dr. Hassan Suhrawardy's contention that we are sacrificing the interests of the Muhammadan community here as the Hindus were willing to give us more seats if the principle of the communal representation was abandoned by us, perhaps my friend will go before the public and say: "Look here, these representatives of the Muhammadans have to a certain extent, gone against your own interests, they are fanatics." But I would put to him this question. Do we beg these seats from the Hindus? Do we claim the number of seats with the begging bowl in our hands or do we stand upon our own rights when we demand a number of seats?

As regards the number of seats, it is a different question altogether. It has nothing to do with communal representation. We are not in a

gging attitude. If we are not entitled to get more than 13 seats, e have got to accept it. It has got nothing to do with this question communal representation. Therefore, so far as the question of inciple is concerned this House will have to decide how many seats uhammadans are entitled to get so far as their number is concerned. at is a different matter altogether. Rai Dr. Haridhan Dutt Bahadur entioned the case of Prince Badruddin Haider and Mr. Ahmed who ed to be returned by the General Electorate. Sir, these are ante-storic stories. Take the statistics of the last 10 years within which ne Hindu-Muhammadan unity has increased and yet we find that with o increase of unity we are not returned. The gentlemen mentioned Rai Dr. Haridhan Dutt Bahadur used to be returned long, long ago, t since then we have men like Maulvi Fazl-ul Haq, Dr. Abdulla hrawardy and Dr. Hassan Suhrawardy. They have not been returned the General Electorate and Maulvi Fazl-ul Haq had to come in by the ck-door of nomination.

As regards the speech of Professor Mukherji, the representative the Indian Christian community, my short answer is this. This nor community demanded separate electorate but could not get In spite of their efforts they could not get it. That explains the itude of Professor Mukherji's community. That must be the attile of the community which could not get a separate representation spite of agitation. His argument is an argument of despair.

Before we vote on these amendments, we ought to consider all se facts.

With these remarks, I support the amendment.

The Hon'ble Sir SURENDRA NATH BANERJEA: I did not speak first because I knew that there was a great deal of feeling about this tter, and I felt that I was skating on very thin ice. I have listened h great attention, and interest to the discussion that has taken place, m afraid there has been a tone of alarm in the speeches that have n made this evening—for instance, my hon'ble friend—Rai Dr. Hari-an Dutt Bahadur, was pleased to state in the very admirable speech which we have just listened that if communal representative were eeded and if communal representation became operative in regard the Calcutta Corporation, the effect would be to destroy the Cor-ation. I tried to find out what justification there was for that rming attitude. I should like to know how the Corporation would destroyed if a number of Muhammadan gentlemen instead of getting through the General Electorate find their way into the Corporation ough their special electorates? I quite admit that there would be ne difference in the quality of the men returned, but I do not believe t the difference in respect of quality would be so marked that it uld lead to the absolute collapse of the Corporation. Nor is this all.

I hope the hon'ble member will be a member of the Corporation under the new Act and there will be 90 members of the Corporation and he will be one of them. Am I to understand that 15 or 16 Muhammadan members would be so influential, would be so potent, that they would be in a position to wreck the Corporation consisting of 90 members? What would the other 75 be doing? What would my hon'ble friend Rai Dr. Haridhan Dutt Bahadur do? Would he not stretch forth his valiant arms to rescue the Corporation from the impending danger threatened by the Muhammadan members entering the Corporation through the gates of communal representation? But, Sir, the statement teaches its own lesson. It shows the mentality of the speaker—how alarmed he is—how altogether out of balance his mind is when he makes that statement. I am afraid a good many of the speeches are cast in the same mould. Rai Dr. Haridhan Dutt Bahadur has told us that I have no idea of the indignation that has been evoked amongst his friends by my putting forward this amendment. Well, Sir, if there is indignation on one side, there is also indignation on the other. There is feeling on both sides surging mountain high—feeling amongst the Muhammadans—feeling amongst the Hindu members of this Council. What is the duty of the Government when feelings run high—when there is this emotional upheaval among different sections of the community? The duty of the Government—and I speak as a Member of the Government—is to hold the balance evenly, to throw oil over the troubled waters, to restore peace and amity among the warring elements. It is on this sacred task that we have embarked. Sir, I yield to none in my condemnation of the communal system. I have been a nation builder. There is a little book published by Natesan in which I am described and ennobled as one of the pioneer nation builders of India, and it is not for me to support any system the effect of which would be to retard indefinitely the consummation of that great ideal—the unification of the Indian races. Therefore, I yield to none in my condemnation of communal representation. If you want Swaraj, if you want the full measure of responsible Government, if you want to enter into the British Commonwealth as an equal partner into the great confederacy of the free States of the Empire—if you aspire to these privileges—the first, the foremost, the fundamental condition is that we must be a nation, that we must develop the instincts of nationhood; and, Sir, I know of no institution more insiduous and therefore more formidable than that of communal representation calculated to retard the development of nationhood by dividing us into hostile camps. I condemn it outright, but holding this view and these principles, I still accept the compromise on the highest grounds of expediency. Sir, all administrative issues are more or less arithmetical problems. As between two conflicting issues, wherein lies the balance? That is the question of questions with which the administrator is faced at every stage. I hold, and the Government hold, that the balance of advantage lies

n the acceptance of this compromise. Let us analyse the matter. We ave to work in this Legislative Council—we have to carry this Legis-ative Council with us in matters of law—in matters of administration nd in matters of finance. We must make that work as easy as pos-ible, and I say very deliberately that we cannot afford to antagonize large section of the members of the Legislative Council and kindle n agitation in the Council which, reacting upon the country, may pos-ibly give rise to the bitterest credal and perhaps racial strife. Sir, e want peace and harmony for the ends of good Government without acrificing our principles. We have sacrified none in this case. We ave upheld the principle of general electorate that finds a permanent lace in clause 7 of the Bill. We accept only a temporary deviation rom this principle and after nine years the general electorate will ssert itself and its machinery will be put into force. Let me disclose he secrets of my prison house and the circumstances which drove me to he acceptance of this compromise. Here I was confronted with a ertain defeat in this matter. [Cries of: No, no.] Yes, I ought to now better than anybody else. Here we were confronted with the ertainty of defeat by the combination of different sections in this Iouse. I have averted that defeat by accepting this compromise. I laim to have saved the situation. [Here the speaker was interrupted y Rai Jogendra Chunder Ghose Bahadur who muttered something hich was inaudible at the reporters' table.] I must not be interrupted n this way, Sir.

Mr. PRESIDENT: The Hon'ble the Minister must not be inter-upted. I shall not again appeal to the Council. I once for all say hat the Hon'ble the Minister must not be interrupted.

The Hon'ble Sir SURENDRA NATH BANERJEA: I claim that have averted that defeat. If Government were defeated, what would ave been the result? Communal representation would have found a ermanent place in the municipal law. Instead of that we have it only or nine years. It is a transitioual arrangement altogether. It is even omething more than that. We have got the Muhammadan community o accept that it is only a temporary arrangement and that it is not a ermanent thing at all. Is not this a gain—a great gain—from the oint of view of nation building? Is it not also a great gain from the oint of view of the peace and harmony that ought to subsist between lifferent sections of the community? Therefore, Sir, in the name of eace, in the name of harmony, in the name of good Government, in he name of Hindus and Muhammadans alike, in the name of that muni-ipal law which we are about to enact, I call upon all sections of this House to accept the amendment which I have had the honour to pro-ose and I hope that it will be carried without any division. I hope nd trust that my appeal will evoke a sympathetic response in the hearts

of all. I have acted with the best of motives. To serve the Corporation and the civic interests of Calcutta has been the only thought in my mind. I was a member of the Corporation years ago—long before some of my friends had entered the Corporation—and I was a member for a period of 22 years. I love the Corporation. And is it for me to propose a measure which would do an irreparable injury to the Corporation or wreck its prospects of usefulness? I hope my friend, Rai Dr. Haridhan Dutt Bahadur, will believe that it is not an act of diplomacy on my part. Diplomacy has never been in my line. I am and have always been a straightforward, honest, and simple man. It was a motive of the purest and noblest kind concerning the welfare of both Hindus and Muhammadans that actuated me to put this amendment before this House, and I trust that it would be carried without a division.

Mr. R. H. L. LANGFORD JAMES: I move that the question be now put.

Mr. PRESIDENT: I accept the motion and I would ask the House to vote on it by a show of hands.

The motion for closure was carried.

Dr. JATINDRA NATH MOITRA: May I ask one question before the question is put? Can the Government give the Council a statutory guarantee that this communal representation will last only for the next nine years?

Mr. PRESIDENT: This is not a question at all. You ought to have listened to the Hon'ble the Minister's speech. It would then have been unnecessary for you to put a point like that.

The following amendment was then put:—

That before clause 60 the following be inserted, namely:—

57. The provisions of this Act relating to elections of Councillors by general electorates are subject to the provisions of sections 58 and 59.

A division was taken with the following result:—

AYES.

Attal, Nawabenda K. M., Khan Bahadur.	Aley, Mr. S. Maloood.
Ahmed, Khan Bahadur Maulvi Emadeddin.	Ali, Maulvi Syed Mahsood.
Ahmed, Khan Bahadur Maulvi Wasimuddin.	Ali, Mr. Syed Ertan.
Ahmed, Maulvi Rafi Uddin.	Ali, Mr. Syed Nasim.
Ahmed, Mr. M.	Ali, Maulvi Ayub.
Ahmed, Maulvi Jafar.	Arhamuddin, Maulvi Khandakar.

Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Bentley, Dr. C. A.
Birley, Mr. L.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Ramatjan.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Das, Babu Bhishmadev.
Das, Mr. S. R.
DeLisle, Mr. J. A.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Haq, Maulvi A. K. Fazl-ul.
Gornell, Mr. W. W.
Huntingford, Mr. G. T.
James, Mr. R. H. L. Langford.
Janah, Babu Sarat Chandra.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Makramali, Munshi.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhan.
Mullick, Babu Nirode Behary.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Rishi, Babu Rasik Chandra.
Roy, Mr. C. N.
Ray, Mr. J. N.
Salam, Khan Bahadur Abdus.
Sinha, Babu Surendra Narayan.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. Hassan.
Suhrawardy, Mr. Huseyn Shaheed.
Travers, Mr. W. L.

NOES.

Banerjea, Dr. Pramathanath.
Barma, Rai Sahib Panchanan.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Babu Tankanath.
Chaudhuri, Rai Harendranath.
Chaudhuri, Sir Ashutosh.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panindralal.
Dutt, Mr. Ajoy Chunder.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.
Ghaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Mallik, Babu Surendra Nath.
Maitra, Dr. Jatindra Nath
Mukharji, Babu Satish Chandra.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Nakey, Mirza Muhammad Ali.
Nasker, Babu Hem Chandra.
Ray, Babu Jogendra Nath.
Roy, Babu Nalini Nath.
Ray, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sen, Babu Mani Lal.
Suhrawardy, Dr. A.
Villiers, Mr. P. E. E.

The Ayes being 66 and the Noes 31, the motion was agreed to.

New Clause 58.

Mr. PRESIDENT: Order, order! Before I put the next amendment which relates to the new clause 58, I want to make it quite clear to hon'ble members that Schedule III as well as the new Schedule IIIA will come up for separate consideration, and that the adoption by the Council of the new clause 58 will not prejudice the taking of any of the amendments which are on the paper with regard to Schedule III and the new Schedule IIIA.

The following motion was then put and agreed to:—

That before clause 60 the following new clause, namely, 58, sub-clauses (*1*) to (*4*), be inserted:—

Transitory provisions to have effect at elections prior to the fourth general election.

58. (*1*) Notwithstanding anything contained elsewhere in this Act, the provisions of this section shall apply in respect of the election of Councillors at the first three general elections held under this Act or in the manner provided therein, and at any by-election held prior to the fourth general election.

(*2*) Subject to the provisions of any other law for the time being in force every Muhammadan shall be qualified as an elector of a Muhammadan Constituency specified in Schedule IIIA, who owns or occupies or resides in any premises, or exercises any profession, trade or calling, within that constituency, if such persons possesses the qualification set forth in clause (*a*), clause (*b*) or clause (*c*) of sub-section (*1*) of section 18.

(*3*) No person shall be eligible for election as a Councillor to represent a Muhammadan Constituency unless his name is duly registered in the electoral roll of that or any other Muhammadan Constituency.

(*4*) In the case of the elections referred to in sub-section (*1*)—

(*a*) for section 7 the following shall be deemed to be substituted, namely:—

Constituencies.

"7. The elected Councillors shall be elected by the constituencies specified in Schedule IIIA, and the number of Councillors to be elected by each constituency shall be as stated therein against that constituency."

(*b*) for that portion of sub-section (*1*) of section 18 beginning with the figure and words "(*1*) Subject to" and ending with the words and figure "specified in Schedule III," the following shall be deemed to be substituted, namely:—

"(*1*) Subject to the provisions of any other law on the subject for the time being in force, every person, other than a Muhammadan, shall be qualified as an elector of a non-Muhammadan Constituency specified in Schedule IIIA."

(*c*) for section 20 the following shall be deemed to be substituted, namely:—

Qualification for election as a Councillor.

"20. (*1*) No person shall be eligible for election as a Councillor to represent a non-Muhammadan Constituency specified in Schedule IIIA, unless his name is duly registered on the electoral roll of that or any non-Muhammadan Constituency specified in that schedule.

(*2*) No person shall be eligible for election as a Councillor to represent a special constituency specified in Schedule IIIA, unless his name is registered on the electoral roll of that constituency."

(*d*) in sub-section (*1*) of section 21 for the words "specified in section 18" the word "prescribed" shall be deemed to be substituted.

(*e*) to sub-section (*1a*) of section 21 the following shall be deemed to be added, namely:—

"and notwithstanding anything contained elsewhere in this Act the electoral roll on which such representative shall be entitled to be registered shall be electoral roll of the non-Muhammadan or Muhammadan Constituency, as the case may be, for the electoral area in respect of which such company or other association is entitled to be an elector, according as such representative is or is not a Muhammadan,"

(*f*) for section 25 the following shall be deemed to be substituted, namely:—

Uncontested elections.

"25. In any constituency if the number of candidates, who are duly nominated, and have not withdrawn their candidature, is not more than the number of Councillors to be elected for that constituency, all such candidates shall be declared to be duly elected."

(*g*) in sub-section (*4*) of section 41 for the word and figure "Schedule III" the word, figure and letter "Schedule IIIA" shall be deemed to be substituted.

(*h*) in sub-section (*1a*) of section 473 after the words "of Councillors" in the first place where they occur the words "by non-Muhammadan and Muhammadan Constituencies" shall be deemed to be inserted and "Schedule IIIA" shall be deemed to be substituted.

The motion that the following sub-clause (*5*) do stand part of the new clause 58 was then put and agreed to.

(*5*) The provisions of other sections applying to the election of Councillors by, and the electoral roll of, general constituencies shall apply so far as may be necessary to the election of Councillors by, and the electoral roll of, the non-Muhammadan and Muhammadan Constituencies.

The motion that before clause 60 the following new clause 59 be inserted was then put and agreed to:—

Temporary substitution of Schedule IIIA for Schedule III.

59. For the purposes of the election of Councillors during the period referred to in sub-section (*1*) of section 58, Schedule IIIA shall be deemed to be substituted for Schedule III."

Mr. S. W. GOODE: I move—

(*i*) that after sub-clause (*1*) of clause 473 the following be inserted, namely:—

"473 (*1a*). Notwithstanding anything contained in sub-section (*1*) the Corporation in pursuance of a resolution passed at a meeting, may from time to time, subject to the approval of the Local Government divide the Garden Reach Constituency in Schedule III into two or more constituencies for the purposes of the election of Councillors and allocate to each such constituency such number of Councillors as to them may seem fit, but not so as to alter in respect of the area included in the Garden Reach municipality before the commencement of this Act the total number of Councillors, or the number of seats as distributed between non-Muhammadan and Muhammadan Councillors, as fixed by Schedule III.

(*1b*) The Corporation may also amend the Schedule VI as to give effect to the division referred to in sub-section (*1a*)," and

(*ii*) that for the words "under sub-section (*1*)" in sub-section (*2*) of section 473 the words "under this section" be substituted.

I may state that this clause is merely intended to provide for the subdivision of Garden Reach into wards if the Corporation think it necessary. As the members of this House are probably aware, the municipal commissioners of Garden Reach are at present all nominated, but subsequently it will be necessary, now that the elective system is introduced, to divide this large electorate, which is one electorate in the Schedule, into two or more wards. Power is taken in this section to divide it into wards.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Roy): I have heard Mr. Goode with very great attention. I am glad to see that Government are going to give 4 seats to the Garden Reach municipality—two to the Hindus and two to the Muhammadans. I have been connected with the Garden Reach municipality since the year 1889 when that municipality was separated from the late Suburban municipality and was amalgamated with the South Suburban municipality. I was the first Commissioner of the Garden Reach Ward of the latter municipality. I do not know whether I shall be in order to speak now, but I find there is an amendment to the effect——

Mr. PRESIDENT: We will consider that when we come to the Schedule.

Mr. DEPUTY-PRESIDENT: I am glad to find that Government have done justice to the ratepayers of the Garden Reach municipality who have been trying to get the elective system for the last 10 or 15 years. The municipality had the elective system, but when it was converted into a mill municipality the people of that municipality lost that privilege. Now I am glad to find that the elective system is going to be restored to that municipality. So I congratulate Government as well as the ratepayers of that municipality on having the elective system restored to them.

The motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 20th February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 20th February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 94 nominated and elected members.

Starred Questions.

(to which oral answers were given).

Excavation of a tank within Bajitpore municipality.

*LXV. **Mr. S. M. BOSE:** (*a*) With reference to the answer to my starred question No. LIV on the 29th August, 1922, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that the tank has only been excavated from six to eight feet below the level of the old bed before excavation, and that earth has been piled up on the sides all round so as to make them considerably higher than before?

(*b*) Is it a fact that the water now in the tank is likely to dry up in the summer?

(*c*) Are the Government considering the desirability of further excavating the tank so as to make it a source of water supply in times of drought?

(*d*) Have the Government considered the question of the desirability of handing over the supervision of the tank to the local municipality?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): (*a*) Yes. It was intended to raise the whole site for the Bajitpore subdivisional headquarters by 8 feet, in which case the tank would have had a depth of 14 feet. Clause (*c*) of the reply given to Mr. S. M. Bose's question on the 29th August, 1922, was therefore not correct.

(*b*) The Executive Engineer reports that the 6 feet of water at the bottom of the tank is not likely to dry up unless there is a drought.

(*c*) and (*d*) The question of having this tank converted into a good permanent source of supply is under consideration in connection with the disposal of all the land acquired for the new headquarters.

Range Deputy Inspectors-General of Police.

*LXVI. **Babu SURENDRA NATH MALLIK:** Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) what is the total amount of the expenses for the Range Deputy Inspectors-General of Police and their staff in each of their respective ranges; and

(*ii*) how much of these amounts are—

(*1*) voted, and

(*2*) non-voted,

respectively?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): A statement is laid on the Library table.

Unstarred Questions

(answers to which were laid on the table).

Proposal for the establishment of a rural magistracy at Itna.

394. Mr. S. M. BOSE: (*a*) Is the Hon'ble the Member in charge of the Political Department aware that many serious crimes are being committed in the many *bils*, *haors* and rivers within the thana of Itna and its neighbourhood?

(*b*) Are the Government aware of a public demand for the establishment of a rural magistracy at Itna?

(*c*) Is the Hon'ble the Member aware that the District Magistrate of Mymensingh and the Divisional Commissioner are in favour of the proposal?

(*d*) Are the Government considering the advisability of establishing a rural magistracy at Itna at an early date?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) No.

(*b*) Government received a copy of a resolution passed at a meeting held at Itna on the 14th August, 1922, recommending the establishment of a rural magistracy at Itna as a part of the scheme for the partition of the Mymensingh district.

(*c*) Government have no information.

(*d*) No.

Indian and European Schools.

385. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing, year by year—

(*i*) the actual total grants, either direct or indirect, made to European—

(*a*) primary, and

(*b*) secondary

schools since the year 1918-19;

(*ii*) the actual total grants, either direct or indirect, made to Indian—

(*a*) primary, and

(*b*) secondary

schools during the same period;

(*iii*) the number of—

(*a*) European primary schools, and

(*b*) European secondary schools;

(*iv*) the number of pupils receiving education in either class of schools during the last five years;

(*v*) the number of—

(*a*) Indian primary schools, and

(*b*) Indian secondary schools;

(*vi*) the number of pupils receiving education in either class of schools during the same period;

(*vii*) what portion of the total expenditure on (*1*) European (*a*) primary and (*b*) secondary schools, and (*2*) Indian (*a*) primary and (*b*) secondary schools was contributed from provincial revenues and what portion was realized by school-fees, subscriptions, endowments since the year 1918-19;

(*viii*) what has been the average cost per pupil since the year 1918-19 in European (*a*) primary and (*b*) secondary schools, and in Indian (*a*) primary and (*b*) secondary schools; and

(*ix*) what amount represented the Government grant (whether Imperial or Provincial) per head of pupil in each of the above classes of institutions?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): A statement is laid on the Library table.

Inadequacy of Pabna district board funds for maintenance of their roads.

396. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the funds of the district board of Pabna are inadequate to keep all the roads in proper condition?

(*b*) Are the Government considering the desirability of maintaining some of the roads especially the Pabna-Ishurdi road?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) Government have no definite information on this point but the resources of the Pabna district board like those of other district boards are known to be inadequate.

(*b*) The member is referred to the reply given to a similar question (No. 53) asked by Babu Tankanath Chaudhuri at the meeting of the 29th August, 1921, which was published at page 49, Volume IV, of the Legislative Council Proceedings, 1921.

Cases in the Subdivisional Officer's Court at Sirajganj.

397. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) when the Subdivisional Officer's Court at Sirajganj was first established; and

(*ii*) in what proportion has the number of cases increased since the establishment of the Court?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*i*) in 1845.

(*ii*) The information is not readily available and Government do not feel justified in compiling it as the labour involved would be incommensurate with its utility.

Service of Civil Court summonses.

398. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether the Government are considering the desirability of taking immediate measures for serving summonses issued by the Civil

Courts in Bengal through panchayat presidents or union boards or through post-offices by registered post with acknowledgment due?

The Hon'ble Sir ABD-UR-RAHIM: Government will examine and consider the question.

Dredging of silted-up rivers in malarious districts.

399. Dr. JATINDRA NATH MOITRA: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether any effort has been made to dredge the silted rivers in any of the five most highly malarious districts of Bengal up till now?

(*b*) If so, will the Hon'ble the Member be pleased to state—

(*i*) the names of the particular rivers;

(*ii*) the districts through which they flow; and

(*iii*) the total amount spent up to date for each individual case?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Yes.

(*b*) (*i*) The Bhagirathi.

(*ii*) Murshidabad and Nadia.

(*iii*) Rs. 91,607.

Resting place for jurors at Alipore.

400. Mr. BIJOYPROSAD SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether there is a separate sitting room for the jurors in the Alipore Criminal Court?

(*b*) If not, will the Hon'ble the Member be pleased to state whether he is aware that the gentlemen who are summoned to sit as jurors at Alipore are greatly inconvenienced for want of such a resting place?

(*c*) Are the Government considering the desirability of taking steps to remove this inconvenience?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) No, but there is a retiring room where the jurors consider their verdict.

(*b*) and (*c*) The jurors generally come into court and sit there till the case is opened. The Government would not feel justified in the present circumstances in incurring expense for the construction of a separate room.

Government Bill.

The Calcutta Municipal Bill, 1921.

SCHEDULE III.

Mr. S. W. COODE: I move that the following do stand for the consideration of the Council in the place of Schedule III as in the Bill as amended by the Select Committee:—

"SCHEDULE III-A.

LIST OF CONSTITUENCIES.

(*See sections 7, 18, 20, 41, 58 and 59.*)

NOTE.—This Schedule will remain in force in respect of all elections held prior to the fourth of he general elections held under or in the manner provided in this Act.

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
A.—Non-Muhammadan Constituencies.		
Shampukur	... Ward No. 1	Two.
Kumartuli	... Ward No. 2	Two.
Bartola	... Ward No. 3	Two.
Sukeas Street	... Ward No. 4	Two.
Jorabagan	... Ward No. 5	Two.
Jorasanko	... Ward No. 6	Two.
Bara Bazar	... Ward No. 7	Three.
Collootola	... Ward No. 8	Two.
Muchipara	... Ward No. 9	Two.
Bow Bazar	... Ward No. 10	One.
Paddapukur	... Ward No. 11	One.
Waterloo Street	... Ward No. 12	One.
Fenwick Bazar	... Ward No. 13	One.
Taltola	... Ward No. 14	One.
Kalinga	... Ward No. 15	One.
Park Street	... Ward No. 16	One.
Bamun Bustee	... Ward No. 17	One.
Entally	... Ward No. 18	One.
Beniapukur	... Ward No. 19	One.
Tangra	... Ward No. 20	One.
Ballygunge	... Ward No. 21	One.
Tollygunge	... Ward No. 22	One.
Bhowanipur	... Ward No. 23	Three.
Alipore	... Ward No. 24	One.

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
Ekbalpore	... Ward No. 25	One.
Watganj and Hastings	... Ward No. 26	One.
Maniktala	... Ward No. 27	One.
Beliaghata	... Ward No. 28	Two
Satpukur	... Ward No. 29	One.
Belgachia	... Ward No. 30	Two.
Cossipore	... Ward No. 31	Two.
Garden Reach	... Ward No. 32	Two.

B.—Muhammadan Constituencies.

Muhammadan constituency No. I—		
Shampukur	... Ward No. 1	One.
Kumartuli	... Ward No. 2	
Bartola	... Ward No. 3	
Sukeas Street	... Ward No. 4	
Jorabagan	... Ward No. 5	
Jorasanko	... Ward No. 6	
Bara Bazar	... Ward No. 7	
Muhammadan constituency No. II—		
Collootola	... Ward No. 8	Four.
Muchipara	... Ward No. 9	
Bow Bazar	... Ward No. 10	
Paddapukur	... Ward No. 11	
Waterloo Street	... Ward No. 12	
Muhammadan constituency No. III—		
Fenwick Bazar	... Ward No. 13	Two.
Taltola	... Ward No. 14	
Kalinga	... Ward No. 15	
Park Street	... Ward No. 16	
Bamun Bustee	... Ward No. 17	
Entally	... Ward No. 18	
Beniapukur	... Ward No. 19	
Tangra	... Ward No. 20	
Muhammadan constituency No. IV—		
Ballygunge	... Ward No. 21	Three.
Tollygunge	... Ward No. 22	
Bhowanipur	... Ward No. 23	
Alipore	... Ward No. 24	
Ekbalpore	... Ward No. 25	
Watganj and Hastings	... Ward No. 26	

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
Muhammadan constituency No. V—		
Maniktala	... Ward No. 27	Two.
Beliaghata	... Ward No. 28	
Muhammadan constituency No. VI—		
Satpukur	... Ward No. 29	One.
Belgachia	... Ward No. 30	
Cossipore	... Ward No. 31	
Muhammadan constituency No. VII—		
Garden Reach	... Ward No. 32	Two.
C.—Special Constituencies.		
Bengal Chamber of Commerce	... Non-territorial	Six.
Calcutta Trades Association	... Non-territorial	Four.
Calcutta Port Commissioners	... Non-territorial	Two."

(i) That for Schedule III the following be substituted, namely:—

" SCHEDULE III.

LIST OF CONSTITUENCIES.

(*See sections 7, 18, 20, 41, 58 and 59.*)

NOTE.—This Schedule will come into force at the fourth of the general elections held under or in the manner provided in this Act.

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.	Number of seats included in column 3 reserved for Muhammadans.
A.—General Constituencies.			
Shampukur	Ward No. 1 ...	Two ...	...
Kumartuli	Ward No. 2 ...	Two ...	...
Bartola	Ward No 3 ...	Two ...	...
Sukeas Street	Ward No. 4 ...	Two ...	...
Jorabagan	Ward No. 5 ...	Two ...	...
Jorasanko	Ward No. 6 ...	Two ...	...
Bara Bazar	Ward No. 7 ...	Three ...	...
Colkotola	Ward No. 8 ...	Three ...	Two
Muchipara	Ward No. 9 ...	Three ...	One
Bow Bazar	Ward No. 10 ...	Two ...	One
Paddapukur	Ward No. 11 ...	One ...	...

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.	Number of seats included in column 3 reserved for Mahammadans.
Waterloo Street	Ward No. 12 ...	One ...	...
Fenwick Bazar	Ward No. 13 ...	One ...	...
Taltola	Ward No. 14 ...	Two ...	One
Kalinga	Ward No. 15 ...	One ...	...
Park Street	Ward No. 16 ...	One ...	...
Bamun Bustee	Ward No. 17 ...	One ...	...
Entally	Ward No. 18 ...	Two ...	One
Beniapukur	Ward No 19 ...	Two ...	One
Tangra	Ward No. 20 ...	One ...	...
Ballygunge	Ward No. 21 ...	Two ...	One
Tollygunge	Ward No. 22 ...	One ...	...
Bhowanipur	Ward No. 23 ...	Three ...	...
Alipore	Ward No. 24 ...	One ...	...
Ekbalpore	Ward No. 25 ...	Two ...	One
Watganj and Hastings ...	Ward No. 26 ...	Two ...	One
Maniktala	Ward No. 27 ...	Two ...	One
Beliaghata	Ward No. 28 ...	Three ...	One
Satpukur	Ward No. 29 ...	Two ...	...
Belgachia	Ward No. 30 ...	Two ...	...
Cossipore	Ward No. 31 ...	Three ...	One
Garden Reach	Ward No. 32 ...	Four ...	Two

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.

B.—Special Constituencies.

Bengal Chamber of Commerce ...	Non-territorial	Six
Calcutta Trades Association ...	Non-territorial	Four
Calcutta Port Commissioners ...	Non-territorial	Two

The motion was put and agreed to.

Mr. S. W. GOODE: I also move—

(*a*) that for the words 'sixty-seven' in sub-clause (*a*) of clause 5 the words 'seventy five' be substituted, and

(*b*) that for the word 'eight' in sub-clause (*b*) of that clause the word 'ten' be substituted."

Maulvi A. K. FAZL-UL HAQ: Before I move the amendments which stand in my name, I wish to make a few preliminary observations. It was with some regret that I listened to the debate yesterday because I felt that the questions which had been discussed were of such vital importance that they should have been deliberated upon in an atmosphere free from passion and prejudice. I will not imitate the example of some of my collegues who, yesterday, imported into these discussions a spirit almost of revolt against all established principles

according to which debates in such a solemn assembly ought to be conducted. The amendments which I move to-day raise questions almost as controversial as those discussed yesterday. If I may say so, yesterday we were discussing the quality of the councillors we are going to get, but to-day it is the question of quantity, and it is just possible that if any acrimonious debate is started, feelings will run high and the compromise that was effected yesterday will practically be stultified. I will put my case as briefly as I can. I find that in the Bill, as originally drafted, 13 seats were earmarked for Muhammadans from amongst 55 elected commissioners and the area then contemplated was Calcutta city proper. Since then, outlying areas have been included within the Calcutta Corporation—municipalities, such as Maniktala, Garden Reach, the Dock area, and other places where Muhammadan population is admittedly predominant. I knew that if these areas were included within the Calcutta Corporation, the predominance exercised by the Muhammadan community in these outlying municipalities would cease to exist. That was one of the reasons why I was opposed to the inclusion, but the Council by a majority decided in view of patriotic feelings for a greater Calcutta to include these smaller municipalities within the folds of the Calcutta Corporation. In allotting the seats what has been done is that the proportion given to Muhammadans formerly for the city proper has been maintained for the added area also. The figures exactly are these—13 Muhammadan commissioners out of 55 in the original Bill. Now it is proposed to give 15 seats to Muhammadans out of 63 elected Indian commissioners. Now considering for a moment that the seats allotted to Muhammadans require a little adjustment in consequence of the inclusion of the added areas, I say, Sir, with the utmost respect to the Minister in charge of the Bill, that the proportion he has given to Muhammadans for the added areas is utterly in defiance of all recognized principles of equity and justice. Upon what principle could you give the same proportion of Muhammadan councillors to constituencies where Muhammadans would be nearly 50 per cent. of the population and nearly as much again on the electoral roll as you give to Muhammadans constituting a much smaller proportion to the population in the city proper? If you can give 13 seats on any consideration whatever to Muhammadans for the city proper, then justice requires that you should give a proportionately increased number of seats to Muhammadans when you included the outlying municipalities. I submit that these two added seats are utterly inadequate and are considered so by all the Muhammadan members of this Council. There is another reason why I would plead for a little increase in the number of seats allotted to Muhammadans. In the system of earmarking seats for the Muhammadan community, the community had a chance of contesting one or two seats in the general electorate. That privilege will be taken away by the fact that we will have to seek election through a communal electorate. I am not here to discuss the merits or

demerits of the two systems, but the inevitable result of the communal electorate will be that we will be shut out for ever from making any efforts to increase the number of Muhammadan Councillors in the Corporation. If that is so, we require more seats than we should have got if the seats had been earmarked for us. The position, therefore, is this that in the clause, as provided in the original Bill, whereas we had 13 seats with the chance of winning a few more seats from the general electorate, now we are given 15 seats without any chance of increasing the number by any efforts on our part. Unless, of course, the Hon'ble the Minister wanted to penalize the Muhammadan community for the fight they meant to put up because there was no fight at all, I cannot see how he can ask us to be content with 15 seats. The Hon'ble the Minister knows very well that I am extremely reluctant to raise acrimonious discussions on questions of this character. I have talked with many persons both inside and outside this Council. I can assure the Hon'ble the Minister that whatever difference there may be as regards the utility of a communal electorate, there is absolutely no difference of opinion that Muhammadan representation on the Corporation should be adequate and efficient. It is no use giving us communal electorates or anything else of that kind if you ask us to be satisfied with such a small representation as that of 15 members out of a Corporation consisting of 90, i.e., one-sixth, and one-sixth of the total number could no longer exercise an effective control in the affairs of the Corporation than we do at the present moment when we are practically a negligible quantity. It is after all in many questions, a question of majority of votes. Fifteen members out of 90 seems practically ridiculous.

Yesterday there were many members on this side of the House who were making references to the backwardness of the Muhammadan community, such as ignorance and all sorts of things. Now I am really surprised that members of this Council so far forget themselves as to use language which I sincerely hope in their sober judgment they will never indulge in. It is no use referring to the Muhammadan community as a backward community. The Muhammadan community is certainly not backward. Unfortunately, the Muhammadans are disorganized. They have not learnt to organize themselves according to the Western method. The moment they can organize themselves you will find that they are ready for a good fight and a fight against anybody. We are not afraid of anything or of anybody. That is the reason why I do not wish to go hat in my hand, either to the Minister or to anybody for special privileges, for special electorates, or anything of that kind. I would rather not have any representation on the Corporation of Calcutta than be told that whatever representation we have is by reason of the suffrage of a particular person or of a particular community. If at the present moment I plead for better representation, it is by reason of the fact that for half a century we have been left

without any representation at all. Let us have a fair chance. It is no use saying that the Muhammadans are backward. We do not wish to go there to get any remuneration. After all, what is the object of these representative institutions, these municipalities, these local boards, and these district boards? Do we gain anything by going there? I do not think so. Anyone who has got any experience of the business done by the Calcutta Corporation knows that day by day the life of a municipal commissioner in Calcutta is becoming more and more exacting. It levies a heavy toll on our time, on our energies and it sometimes stands in the way of our own legitimate duties either in profession or in business. We go there at some sacrifice and why is it that we go? Because we know that these municipalities, these local boards, and these district boards are nothing but training grounds for the work that we have to do in higher institutions, such as this Legislative Council. How can you expect the Muhammadan community to stand shoulder to shoulder by you in the work of the common country unless you allow them to get a little training in these institutions which are really the first rungs in the ladder of representative institutions? That is the reason why we say—"Give us a larger number of seats." Let us learn, let us have experience, let us have an effective voice in the affairs of the Corporation. It is no use telling us, "so many of you have not passed the Matriculation examination, so many of you have not passed the Intermediate in Arts, so many of you have not graduated." It is not the Graduate, or Master of Arts or anything of that kind who can be a successful municipal commissioner. To be a successful municipal councillor does not require any academic qualifications. A man with strong common sense is likely to be a far more efficient municipal commissioner than perhaps the most brilliant graduate of the Calcutta University without that quality. I say, therefore, that the number of seats is inadequate and I would make an earnest appeal to the Hon'ble the Minister if he cannot see his way to give us some increased representation. I admit that if my suggestion is accepted, the number of seats added to the Muhammadan constituencies will have to be found by deduction from the non-Muhammadan constituencies. That is a very sore point, but I appeal to the advanced community to give it to us out of the largeness of their hearts. They are rich, they are experienced and they have had the municipal administration in their hands for half a century. Let us now bear the burden. They have borne the burden for half a century. Let us now put our shoulders to the wheel. We want to bear a little more burden. Let us have four more seats—that is all I have proposed—distributed among all these 32 wards. I hope that the professions of friendship, amity, and all that we have heard yesterday would be translated into action by the acceptance by the advanced community of a very humble proposal which I now place before this Council. With these words, I move formally the amendments that stand in my name.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Looking at the amendments I see what you propose is a reduction of not four but six seats in the non-Muhammadan constituencies.

Maulvi A. K. FAZL-UL HAQ: I beg your pardon. I was thinking of four to fifteen or six to thirteen. I may submit, in passing, that Schedule IIIA has been divided into two parts. Schedule IIIA relates to non-Muhammadan constituencies, and Schedule IIIA-B relates to Muhammadan constituencies. I now move the following two amendments which really go together:—

In Schedule IIIA in colmun 3 (number of Councillors to be elected), the following reductions be made, namely,—

In the non-Muhammadan constituencies (Schedule IIIA-A) the following reductions be made, namely—

Bara Bazar	...	Ward No. 7 from "Three" to "Two."
Bhowanipur	...	Ward No. 23 from "Three" to "Two."
Maniktala (South)	...	Ward No. 28 from "Two" to "One."
Belgachia	...	Ward No. 30 from "Two" to "One."
Cossipore	...	Ward No. 31 from "Two" to "One."
Garden Reach	...	Ward No. 32 from "Two" to "One."

In the Muhammadan constituencies, Schedule III-A-B, in column 3, the following additions are to be made in the number of Councillors to be elected, namely:—

Muhammadan constituency No. III—From "Two" to "Four."
Muhammadan constituency No. IV—From "Three" to "Four."
Muhammadan constituency No. V—From "Two" to "Three."
Muhammadan constituency No. VI—From "One" to "Two."
Muhammadan constituency No. VII—From "Two to "Three."

Babu SURENDRA NATH MALLIK: I move that in Schedule IIIA —Heading B—Muhammadan Constituencies—

(*1*) No. 1 Muhammadan Constituency, comprising wards 1 to 7 be omitted;

(*2*) that in Muhammadan Constituency, No. 2, the number of seats be reduced from 4 to 2;

(3) that in Muhammadan Constituency, No. 4, comprising wards 21 to 25 the number of seats allotted be reduced to two; and

(4) that in Muhammadan Constituency, No. 5, comprising wards 27 and 28 the number of seats allotted be reduced to one.

After what had happened yesterday one does not feel very much encouraged to speak on the particular question of representation in the Corporation, but unfortunately at the present moment, I have a duty, with which I have been entrusted by the Corporation. I am bound to say that this idea of giving 15 seats to the Muhammadan population in Calcutta is according to the Corporation of Calcutta against the interest of the Corporation itself, namely, the ratepayers as a whole. One thing that I find is that, amongst our Muhammadan friends, those who openly opposed us, that is, those who wanted communal representation got what they wanted. Well and good. Amongst those gentlemen, namely, the Muhammadan members of this House, those who are supposed to be friendly with us, after seeing that the communal representation has been accepted or that the House has accepted it and a separate electorate has been formed, now stand up and say give us more seats. This is a beautiful arrangement! These are the local people who say that they are our friends. Save us from our friends! We ought to know people in their true light; time has come when they must be known. I am prepared to embrace an open enemy rather than a friend who comes in an insiduous way and says give me more after his first request has been granted. Yesterday my friend, Maulvi Fazl-ul Haq, was absolutely silent; he did not speak out a single word. Now having found that the object in view has been achieved by the other wing, he turns up and says give us something more, give us double the number or something of that kind. I again repeat, "save us from our friends." So far as we are concerned in the Corporation we feel that the 15 seats which have been given by the Hon'ble the Minister are rather too many on the basis of communal representation alone. It has hitherto been the practice of the Government, and, I take it, it is the settled practice, to arrive with regard to this matter at the correct number on a consideration of the three different elements amongst the ratepayers of a particular municipality. They used to go by the average of the numerical strength first, then the voting strength, and thirdly, the rating strength. That has all along been the rule. So far as Calcutta is concerned, if you go by the numerical strength, then the numerical strength of the Muhammadan community is 22 per cent. (I take Calcutta as it is now.) That is 194,000 Muhammadans as against the total population of 885,000. Then, as regards the voting strength, you will be pleased to find that it is 6,000 out of 60,000; that means one-tenth or 10 per cent. As regards the rating strength you will find what an enormous difference there is. The demand per quarter is Rs. 26,43,000: out of that the Muhammadan community pays Rs. 1,28,000

only. That means 1 as against 21 or 4 11/13 or, say, 5. If you take the average of these three then the strength comes to 7 out of 55. So they are entitled to 7 seats. In the place of that they have been given 15 seats. They were given 13 seats before on the basis of Calcutta alone and now after the amalgamation of other areas, to whose population I shall come just now, they have been given 15 seats. Taking these new municipalities which have been added the figures would come to this. You have for the whole of Calcutta, Cossipore-Chitpur, Maniktala and Garden Reach, all together, a population of 10½ lakhs. Out of that the total Muhammadan population is 250,000 roughly speaking. So that you have 10½ lakhs on one side and 2½ lakhs on the other. That gives, as I find on a calculation 5/21 of 63 seats, i.e., 15 seats. That is what the Hon'ble the Minister has been pleased to give them. Mind you, that is based only on one element of the consideration, namely, the numerical strength, the other elements which would result in a disadvantage to the community have been absolutely left out. If along with that you take the rating and voting strength (I have not got the figures of the rating and voting strength of the outlying municipalities; they have not got them, particularly the Garden Reach municipality have had no election up to this time) you will find that the seats given to the Muhammadans are more than what they are entitled to. If we take the present situation with regard to Calcutta, what do we find? That on the basis of population alone they have got 5/21 or 25 per cent. of the seats. I am only giving a rough figure.

Then, on the voting strength, they get 10 per cent., and on the rating strength they get 5 per cent. That amounts to 40 per cent. of the whole. If you take the average, it is 3/40th of 63 or 9 seats, while they are being given 15 seats. My friend over there now stands up and says, "you are so good, so great, give us all that we want, double the number of seats," and all that. Is this just? The Corporation of Calcutta opposed the communal representation, opposed in the sense of a special electorate, but this House has accepted communal representation for reasons which I need not dilate upon and which must be relegated to the realms of the past. We must be prepared to accept the same. In fact we have accepted it already. Is that any reason why the Corporation should also agree to giving the Muhammadans the special privilege or indulgence (if I may say so) of 15 seats on the basis of numerical strength only. Why should the other considerations be overlooked? Is there any reason—

My friend, Mr. Syed Nasim Ali, said yesterday that he did not come with a beggar's bowl. No doubt every legislator ought to come with the balance of justice in his hands even. If they do so, what should be our attitude? If you want to gain a point from a communal point of view by all means do it, but that would not entitle you to make an unjust claim with regard to the extent of the representation itself. If

you want to force that again here, because you have got the Bengal Chamber of Commerce and the Government at your back a position which the Corporation has not got unfortunately, it will show the attitude that the Muhammadans are likely to take up in the Corporation in enforcing their views when they are there. Would it be proper? You ought to accept what you are entitled to and nothing more. You point out that you do not want 25 pro-Hindu Muhammadans or Hinduised Muhammadans, you want only *pucca* Muhammadans to represent your views. That was the opinion expressed from the right wing. From the left wing comes the suggestion that the Muhammadans ought to get much more than 15 seats.

Is this just, is this proper that we should do this? If it were not, Sir, that the interests of the Corporation had been affected, I would not have at all objected to this. I am going to propose—in fact I had sent notice of an amendment—that at the highest 10 seats ought to be given to the Muhammadans. According to the calculations, they are entitled to 8 6/15 or 9 seats, and to give them the benefit of any doubt that might possibly arise, I say 10. Am I unjust? Is the Corporation view one which ought not to be accepted? Are they entitled to more than that? The number 13, if I remember right, was a concession by the Hon'ble the Minister on the idea that there would be no demand for separate electorate; that was why he gave them more than their share; he overlooked the two important elements which brought down the result to 7 in place of 12, and neglecting these elements he raised it to 13 and he gave to the Muhammadan community 13 seats, so that they would not claim anything like a special electorate, he being in his heart of hearts opposed to a separate electorate—as he is bound to be, because he is the person who is the father of Indian nationalism. I can very well understand what a strain it has been to him to accept this compromise. I need not, however, dwell on these circumstances. But what I want to submit is that on these facts and figures can any honest-minded man say that you are right in giving 15 seats to Muhammadans, not to speak of their claiming more? Therefore, on behalf of the Corporation, though unfortunately the Government and the Bengal Chamber of Commerce are not at the back of the Corporation in the matter still I say what I consider it my duty to say, and I say it against the proposal of the Hon'ble the Minister who has made me the Chairman of the Corporation, that I am opposing him. (Hear, hear.) I am bound to say that, as I am here to represent the interests of the Corporation and I shall be false to the trust which the Hon'ble the Minister has imposed upon me if I do not go against his views and emphatically assert that this is wrong and unjust, because it will take away so many seats from the other ratepayers, non-Muhammadan ratepayers, in the Corporation. Is it that for 6,000 the interests of the remaining 54,000 have got to be overlooked altogether? I have

not got the advantage of having my own community to stand behind me. If the Muhammadans have ever deserved communal representation, their separate electorate, they deserved it yesterday by showing that they could stand as one man which we cannot do, and they have certainly deserved it. If I am convinced of anything I am convinced that they deserve it and we do not. Then, again, I have another disadvantage, namely, that I cannot hold out, on behalf of the Corporation and the non-Moslem community, an important threat to the Government that I am going to wreck the Reforms if you do not give us this. We are a motley crew: we cannot hold out that threat and nobody would listen to our threat at all, and because I cannot hold out that threat on behalf of the ratepayers, is that a reason that whatever is just, whatever is reasonable and that whatever is borne out by facts and figures have got to be neglected? I therefore say that on the facts and figures the Muhammadans cannot possibly expect more than 9 seats and that 10 seats should be given to them. How you can adjust these seats in that group, remains to be seen. There might be various views, but I think that this matter might well be settled by my friend, Mr. Goode, in any way he likes. He knows more of the Calcutta Corporation than many of us here; he knows how the Muhammadan population is scattered here and in what strength in the various wards; and it could be safely left to him for bringing it up before you hereafter. On the question of principle, however, I submit that the Muhammadans are not entitled to more than 10 seats, and, therefore, I place it before the House for its acceptance. You cannot have both.

Mr. PRESIDENT: Will Mr. Abdur Raheem now move his amendment No. 684? The form which his amendment will take is that his proposal relating to communal representation be adapted to Schedule IIIA and be further amended by his proposal in respect of clause 128.

Mr. ABDUR RAHEEM: In view of the increased strength of the Corporation, I beg leave to alter the figures in my amendment, which thus altered will read as follows:—

"the total number will be 75 instead of 67 councillors, elected as follows:—

45 by general constituency . . ."

Mr. PRESIDENT: What we are now taking up is your amendment No. 684, page 85 of the Appendix to the List of Amendments.

Mr. ABDUR RAHEEM: In view of the inclusion of Cossipore-Chitpur, Maniktala and Garden Reach in the jurisdiction of the Calcutta Corporation, the total strength of the Corporation will be increased from 80 to 90. I suggest that the seats to be allotted to Muhammadans be increased by two.

Mr. PRESIDENT: I cannot understand what your proposal exactly is. What you are proposing is that in Schedule IIIA(B) in the Muhammadan constituency 2 seats should be given to constituency No. 1 instead of 1.

Mr. ABDUR RAHEEM: The only alteration I suggest is that the number of Muhammadan seats be increased by two.

Mr. PRESIDENT: I appreciate it. You want to increase the number to 17; but to which of the Muhammadan constituencies do you wish to add the extra number?

Mr. ABDUR RAHEEM: I would suggest, Sir,—

1 in constituency No. 1, and

1 in constituency No. 3.

Mr. PRESIDENT: Two more in Schedule IIIA(A).—Now, what is your amendment therefore to the non-Muhammadan constituency? If you wish to increase the Muhammadan members from 15 to 17, you could do it in one of two ways: either you reduce the non-Muhammadan members by 2, or you raise the total number of the members of the Corporation by 2. What is it that you suggest?

Mr. ABDUR RAHEEM: I do not want to raise the total number. I want to reduce the non-Muhammadan constituency by 2.

Mr. PRESIDENT: You must be specific. You must say definitely in which of the two non-Muhammadan constituencies you wish these reductions made.

Mr. ABDUR RAHEEM: I wish to reduce one in Kumartuli and one in Burrabazar.

Babu KISHORI MOHAN CHAUDHURI: I rise to support Babu Surendra Nath Mallik and oppose the resolution put forward by my friend, Maulvi A. K. Fazl-ul Haq. I really fail to understand why the number of Muhammadan seats should be increased. For the last 30 years a triple formula is being observed and Government cannot go behind it. Sir, when yesterday I saw the proposed amendment put forward by the Hon'ble the Minister in charge of the Bill, I was rather taken by surprise as to why so many seats were going to be given to the Muhammadans, but when you gave your ruling that the number would be considered separately I was much relieved. It is a question of trial of strength. Sir, the Muhammadans have secured communal representation by a separate electorate. Under these circumstances it is useless to recapitulate what happened yesterday or say anything against the arrangement, but I must confess that they cannot, under any circumstances whatever, claim more seats than they are really entitled

to. My friend, Maulvi Fazl-ul Haq, is rather inconsistent when he says that the Muhammadan community is in no way behind the other communities. If it is so, why then this demand? Is it a question that they should be trained and for that purpose more seats are required? Training in what way? By friendly co-operation or as rivals with all the feelings of an adversary? The difficulty is that three bodies—the Bengal Chamber of Commerce, the Trades Association—and the Calcutta Port Commissioners—have got 12 seats though they are not entitled to them on any calculation whatsoever. Sir Robert Watson-Smyth told us when the Bill was first introduced in this Council that it was not a question of communal representation but it was really a question of nomination on account of their special importance. But by that arrangement the general electroate loses much. Now an attempt is being made again to give the Muhammadans more seats which means so much loss to the general electorate or rather the non-Muhammadan community. Is it at all justifiable that this should be done? The separate electorate is a great mischief; thereby a cleavage has been effected and I do not know when it will be bridged over or whether there is any chance of it or not.

This demand for an increase in the number of seats has been encouraged, I must say, by Government. Sir, when leave was given to introduce the Bill, and when it was circulated for public opinion, it was done on the clear understanding that the Hon'ble the Minister would go by the opinion of the public; but now, Sir, there is no gainsaying the fact that public opinion is practically unanimous in condemning the communal system of representation——

Mr. PRESIDENT: We dealt with this question yesterday, Kishori Babu. I want you to confine yourself to the question of the number, whether we shall have 10 or 17 or whether we should transfer a few seats from one constituency to another.

Babu KISHORI MOHAN CHAUDHURI: I was saying that the Muhammadans were encouraged in their demand for communal representation by the unjustifiable attitude taken by the Government in this matter. That is my complaint. This Government measure which originally did not provide for communal representation for the Muhammadans subsequently did so owing to its partiality towards the Muhammadans. That is my complaint, Sir.

Mr. PRESIDENT: I do not understand what you are speaking about. Do I understand that you oppose Schedule IIIA altogether?

Babu KISHORI MOHAN CHAUDHURI: My position is that here the Muhammadans should not get more seats than they are entitled to, and I hope that in this matter Government will not take the position which it took yesterday. We were prepared to approach each other in

a friendly spirit but difficulties were created, and we were divided in a manner in which, but for the support of Government, this state of things would not have been achieved. Now we have a very difficult situation to deal with. A cleavage has already been created and my friend, Mr. Syed Nasim Ali, threatened us that if we did not concede communal representation to the Muhammadans, they would wreck the Reforms. To my mind, Sir, the Reforms have been already wrecked by the decision of the Council in favour of a separate electorate for the Muhammadans. If again more seats are allowed to the Muhammadans so much loss will be occasioned to the non-Muhammadan seats. On that ground I say that another injustice should not be done. The country will be smarting under a sense of wrong done by the Government in this affair. This is all that I wish to say in this matter. I appeal to the House to consider seriously whether more seats should be given to Muhammadans in our present circumstances. They should never be given more seats than it is strictly within their rights to expect. Why do our Muhammadan friends fear that there is no community of interest between them and the Hindus? They also say that unless a special electorate is given them, true Muhammadans cannot come to the Corporation. Is there any reason, Sir, that if more seats than what they are justly entitled to, are not given them, true Muhammadans will not get elected? Communal representation simply will not do, but they must get a larger number of seats for returning true Moslems!

During the last 30 years, the Calcutta Corporation has been managed with a very limited number of Muhammadans. Before 1899 a few Muhammadans could be elected, but since the dual constituency was abolished, difficulties arose and under the present arrangement they cannot secure the election of Muhammadans. If, under these circumstances, it was not possible for Muhammadans to get returned, the non-Muhammadans were not to blame. Government had the right of nominating 15 members to it, but why did it not nominate an adequate number of them? Why was not Government approached by the Muhammadans with this end in view? No transferred department was in existence then. The Hon'ble Sir Surendra Nath Banerjea was not there then. Why then was the Government not approached to give them some true Muhammadans to protect their interests. If it was not done then, why do they take this attitude now? They do so now simply because of the unholy patronage extended to them by Government in this affair.

I am of opinion that this sort of thing should not be permitted, and no more seats than they are entitled to should be allowed to our Moslem brethren.

Babu DEBI PROSAD KHAITAN: My esteemed friend, Babu Surendra Nath Mallik, has in a precise and accurate manner put forward the case against any demand for an increased number of Muhammadan

seats. He has given this House facts and figures from which it appears that our Muhammadan friends are not entitled to more than 10 seats. I do not want to go into that general question over again, except only to point out that I just understand that in Nawab Sir Syed Shams-ul-Huda's Bill, as well as Lord Sinha's Bill, only nine seats were reserved for Muhammadans. But there is one particular aspect of the demand made by my friend, Maulvi Fazl-ul Huq, which I want to point out by specific reference to Ward No. 7 from which it will appear that if the increased demand is granted, great injustice will be done to other minor communities, like the Marwari community. It may be known to the members here that the Marwari community is itself a minor community, not next in importance to the Muhammadan community. From the figures it appears that from the points of view of population, rating value, and voting strength, the Marwari community can claim one-ninth of the seats. When the Marwaris put forward their demand for some special recognition, because without some special recognition they could not get into the Corporation, they were told that by reason of the increased number of seats allotted in certain wards, like Ward No. 7, it might be possible—not that it would be possible, but it might be possible—for the members of the Marwari community to get in. Ward No. 7 is one of the wards which was pointed out in that direction. If we turn to the figures about Ward No. 7, it appears that out of the total number of voters (50,179), Ward No. 7 alone possesses 7,801 voters, that is more than one-seventh, and calculating from the three points of view that have been mentioned by Babu Surendra Nath Mallik it appears that Ward No. 7 is really entitled to at least one-ninth of the total number of seats in the present Corporation, that is, out of the 55 seats, Ward No. 7 could claim at least six seats. It is out of these seats that at least three seats had been given away to our Muhammadan friends and only three seats have been proposed by the Government to be given to Ward No. 7, and now Maulvi Fazl-ul Haq and Mr. Abdur Raheem have made a joint demand that from these three seats one more seat should be taken away and Ward No. 7 should be given only two seats. No, in Calcutta, if there is any ward which is of a really cosmopolitan character, it is Ward No. 7. It is here that the Jews, Armenians, and even our European friends are predominant by reason of their business houses and residences of non-European merchants and other communities. If even from the three seats allotted to Ward No. 7 one is taken away, it will be an act of great injustice to the large number of communities that reside and carry on their business in that ward. Under the circumstances, I hope that at least Ward No. 7 will be spared the pruning knife of Maulvi Fazl-ul Haq and Mr. Abdur Raheem. Whether they are entitled to a larger number of seats is altogether a different question. Personally I feel that they are entitled to a smaller number than they have been promised, but if they are to get a larger number of seats, I hope one minority will not

be allowed to derive the benefit at the expense of the other minority not less in importance than the Muhammadan community. I may mention that whereas the European number of voters is 3,923, the Marwari community has 5,513, so that from the point of view of population and rating value, and from the point of view of voters as well, the Marwari community is better off than even the European community. The Muhammadan community are getting 13 seats from their own special constituency, and even if they are given more seats and if the pruning knife is applied further to Ward No. 7, the result will be that what little chance the Marwari have at present will be lost. In the circumstances I hope that Ward No. 7 will not be touched.

Maulvi RAFI UDDIN AHMED: I beg to support the amendment of Maulvi A. K. Fazl-ul Haq. My friend, Babu Surendra Nath Mallik, has pointed out in the Council that our numerical strength is 22 per cent., our voting strength 10 per cent., and our rating strength 5 per cent. The Hon'ble the Minister by taking the golden mean has allotted 13 seats. So it is neither favour nor frown.

By the added area our position, according to the Chairman of the Corporation, is about 25 per cent.; we do not know the voting and rating strength there. In these municipalities Muhammadans had a superior position which they are going to lose by the amalgamation. In return for this we only demand that some more seats only should be given to us. That will not give us any superior position. Still this will satisfy us. This is not a concession made in our favour but only our legitimate share that we demand. In this, I hope, we ought to be supported by the Europeans and Hindus alike. Give every one his due is a noble saying. In the celebrated essay on Man and Gentleman we find, Sir, a gentleman is he who gives everyone his dues. Yesterday we have seen the goodness of the Government and the nobleness of the Europeans and Hindus in allowing communal representation to Mussalmans. To-day we are again before you only to demand our legitimate share. Of course we were told yesterday by the Hon'ble the Minister that for fear of his defeat simply, the Minister accepted communal representation of the Mussalmans. I think in the exuberance of desire the Hon'ble the Minister said so to his over-zealous admirers and friends, but really it was his greatness of heart and nobleness of his friends, as also the Government, that led the Minister to accept the communal representation of the Mussalmans. We trust and hope that the same nobleness of heart of his friends and admirers will inspire them to make us their companions and camp followers—rather than be unjust to us by refusing our legitimate share.

Mr. PRESIDENT: As far as I can hear what you are saying you are making a speech on the general question of communal representation. What I suggest to you to-day is that you should confine your remarks

to the subject-matter of the amendment as to whether you claim 10 or 17 seats for Muhammadans.

Maulvi RAFI UDDIN AHMED: With these words, I beg to support the motion of Maulvi Fazl-ul Haq.

Dr. PRAMATHANATH BANERJEA: Maulvi Fazl-ul Haq demands that the number of seats allotted to Muhammadans should be increased from 15 to 21. What is the ground on which this demand is made? It is not the backwardness of the Muhammadan community, for Mr. Fazl-ul Haq strongly repudiates the idea that the Muhammadan community is backward. Is it, then, on the ground of the special importance of the community that he puts forward this claim? If so, the other communities are sure to join issue with him. All the communities inhabiting India are equally important, and no community can be said to be more important than the others. All communities should be allowed to participate in the work of our public bodies. But representation according to its numerical strength is the only thing which any community can justly claim. Unfortunately a system of proportionate representation was not adopted by the government. A compromise was accepted yesterday; and a fresh difficulty has arisen to-day. Fresh difficulties will continue to arise until we again make up our minds to stand on the ground of principle. Our Muhammadan friends have now secured a separate electorate to which I and many other members of this Council have been strongly opposed. They were backed by the Government and the non-official European community and they gained their point. Now they make the further demand that the number of seats be increased beyond the proportion to which they are justly entitled. Why is this fresh demand put forward? The reason is not far to seek. As Mr. Sastri puts it, "communal representation grows by what it feeds on." Let us have done with these petty and short-sighted expedients which can only lead to communal jealousies and conflicts, and prove fatal to the progress of the country. Let us rather adopt some honest system of proportional representation. I oppose the amendment moved by Maulvi Fazl-ul Haq.

Mr. F. E. E. VILLIERS: I wish most emphatically to oppose this resolution put forward by Maulvi Fazl-ul Haq and trust the House is already beginning to reap the fruits of this wretched compromise arrived at yesterday; and in this connection it is not without interest to study the mentality of our Muhammadan friends in dealing with the situation as it is to-day as compared with what it was yesterday. What were their arguments before they got their communal representation yesterday, and what is their mentality to-day? One of the chief arguments we heard put forward yesterday, was "we do not seek these seats because we wish to impose ourselves upon our Hindu brethren; not a

bit of it; all we want is to get a fair chance of entering the municipality in order that we, a poor backward community, may be able to learn something of the first essentials of politics." That was their attitude while they were yet suppliants! But what is their attitude to-day? "We carried the situation yesterday; we have got our communal representation; what then is our position? Are we still the backward people, are we still the community that has been unable to make full use of the advantages and privileges that western civilisation has to offer? Not a bit of it! We are the equal of any section here in this House. But, stay, we have forgotten something. We have yet to ask for a few more seats and therefore again we appeal to the enlightened community, our Hindu brethren, to give us these extra seats." That is the difference in their mentality of yesterday and to-day. Yesterday, our Muhammadan friends were impressing upon us the necessity that existed for their weak community to have a crutch on which to lean, the crutch of communal representation; to-day they have mysteriously become the equal of any section in India! Mr. Abdur Raheem approaches the subject in a somewhat different way. He says: "I do not want further seats for my Muhammadan community; all I want is to see that the Hindus have rather fewer seats. It is true that I cannot make my position stronger, but if I cannot become stronger, I shall be magnanimously content if the Hindus are made weaker!" The matter appears to me to sum up in this way. Our Muhammadan friends have appealed to logic; they must abide by logic. And the logical basis seems to be that, even granting the extra seats which they hold to be theirs by virtue of the inclusion of the outside municipalities within the embrace of the Calcutta municipality, the utmost they should get is 10 seats. They have appealed to logic and in this matter they must stand by logic. They have appealed to Cæsar and by Cæsar's judgment they must abide.

Maulvi SHAH MUHAMMAD CHAUDHURI: Sir, the Muhammadan population is over and above one-fourth of the total population in Calcutta and if that number be taken into consideration, the Muhammadans are entitled to more seats than those proposed by the Hon'ble the Minister.

In Bengal, as a whole, the Muhammadans represent more than half the population of the province, and this half is comprised mostly of Muhammadan cultivators, Muhammadan weavers, and producers of silk-cocoons, jute, paddy, hide and such other materials. Thus Calcutta, as the centre of trade, is dependent to an appreciable extent on Muhammadan labour and the main income of Calcutta accrues from the fruits of Muhammadan labour of Bengal (exclusive of Calcutta); so the Muhammadans ought to have a fair share of seats in the Corporation. In the above circumstances, I appeal to the Council that 17 of the seats may be allowed to the Muhammadans. With these remarks, I support the amendment.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: It is a beautiful tangle we have got into. This is the result of a compromise being effected without first settling all the terms. I thought that the matter was at an end; that the number of Muhammadan councillors to be returned by election was also settled. That was my impression; otherwise what was the compromise? Now it appears that the compromise was a compromise of principle, and that is the worst of it. Mr. Villiers has put it very nicely; that we are now reaping the result of the compromise based on no principle whatsoever. To-day, my Muhammadan friends want more seats than they are entitled to by their number, their voting strength, and their rating strength. Maulvi Fazl-ul Haq says that their community is not backward. As far as I remember no member of this House yesterday said that the Muhammadans were backward. I find them to be most forward when trying to induce the Government to accept a position which is not tenable on any political grounds. Now, if they are not backward they have got their communal representation, and what more do they want? They now say "for the sake of friendship let us have more seats." Why, if you are not backward, you have got what you wanted; and not only that, though the Hon'ble the Minister assured us that it was to be for nine years, they said "we can bring up a Bill any day we choose to perpetuate the system of communal representation." So the sting of the whole thing is in its tail; and I am sorry that there has been this compromise without settling all the terms. No lawyer would have drafted a document, which purported to be a deed of compromise without first settling all the terms. If we go on discussing about the number of seats to be allotted to Muhammadans, I do not know where we shall end. That being the position, I think this tangle has been unnecessarily created. I do not know if it were in the terms of the compromise, but whatever the Government suggests in regard to the number of seats to be allotted in each ward, to each community, I think we, as well as the Muhammadans, are bound to accept that decision. I am sorry now to find Maulvi Fazl-ul Haq and some of his friends standing forward, as they are, and asking for more seats. I strongly oppose the demand.

Babu AMULYA DHONE ADDY: I beg to oppose the amendment of my esteemed friend, Maulvi A. K. Fazl-ul Haq, as well as that of Mr. Abdur Raheem. Sir, they have stated that the Calcutta Corporation should be the training ground for Muhammadans. I beg to submit that it should not be so. A body that incurs an expenditure of about two crores of rupees per annum should not be taken as a training ground for gentlemen who have not got sufficient experience in the management of such concerns. I admit that the Muhammadan population is about one-fourth of the total population of Calcutta, but the distribution of seats should not be in accordance with population, but should be in accordance with the amount of rates and taxes paid

to the Corporation. It appears from the note which was submitted by tht Corporation of Calcutta in connection with the Bill of 1917 that the Muhammadan voters were only one-tenth of the total number of voters in the whole city; so it appears that though the Muhammadan population to the total population was 25·6 per cent., the number of Muhammadan voters was 10 per cent. only, and the percentage of Muhammadan votes to the total number of votes was 8·3; therefore, they are not entitled to get more than 9 seats. That was the reason why 9 seats were allotted in the Bill of 1917. However, the Corporation were more liberal to them. In connection with the Bill of 1917, they suggested 11 seats; and so far as the Bill under consideration is concerned, the Corporation have suggested 13 seats, and this has also been accepted by the Select Committee. But as three municipalities are going to be amalgamated with Calcutta, the Government have thought fit to increase the number to 15; so it appears that the Government have been very liberal. However, my esteemed friend, Maulvi Syed Nasim Ali, has stated that he wanted justice, not liberality; and therefore, I am bound to say that instead of 15 seats, only 9 seats should be allotted to Muhammadans, because if we are to do justice to the Muhammadans we ought to do justice to other communities as well. In increasing the number of seats for Muhammadans it would be doing injustice to the non-Muhammadans. What about the Europeans of Calcutta? They have 20 per cent. of the total voting strength. What about the Jews and Marwaris? Is it not a fact that the Marwaris have invested lakhs of rupees in landed property in Calcutta? Is it not a fact that they contribute very heavily to the municipal funds? What have we done for them? In 1918 the Corporation suggested that 4 seats should be reserved for the Marwaris of Calcutta; that suggestion was not accepted by Government. Is not that doing injustice? Not a single seat has been reserved for the Marwaris. They have the greatest interest in the municipality and it should be doing injustice to them if we are to be too liberal to the Muhammadans. With these remarks I oppose this amendment.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: I move that the question be now put.

Mr. PRESIDENT: I am going to call upon Khan Bahadur Maulvi Wasimuddin Ahmed to speak.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I beg to support the amendment put forward by Mr. Raheem and urge that the Muhammadans should get 17 seats. It has been suggested that by several ways of calculation the Muhammadans cannot get more than 10 seats because they are poorer, pay less, and their rating capacity is much less than some of the more fortunate communities in this town. But I submit in matters of Government, one, who can, pays; and there are people who can pay as much as 10,000 other people; but that is no reason why Government

should be monopolized by that particular individual. That is a question of administration. There are various communities, some are poor, some are rich, but all of them have to enjoy or suffer according to their number. So to my mind the percentage of population is the best guide for decidiug what should be the proportion of the particular community in the administration of that locality.

My friend, Babu Surendra Nath Mallik, has said that he has got an important trust to discharge; he has been requested by his Corporation to protest against the suggestion made by the Hon'ble the Minister. From the Corporation, as it is constituted, nothing better than that could be expected. It is essentially a non-Muhammadan institution at present; so it is in the fitness of things that it entrusted its leader to tell this House that the Muhammadans should not be more than 9, and out of favour he would concede 10.

There are some other gentlemen who also spoke in the same fashion, but I say, whatever be the fate of the amendment of Maulvi Fazl-ul Haq, he has produced before the House a magic wand which shows people in their true perspective, notwithstanding their brilliant colour shown to the House on other occasions. Yesterday we were entertained with speeches stating that Hindus and Muhammadans were as good as one another. We should not care whether a Muhammadan represents Hindu interests, or a Hindu, Muhammadan interests; but to-day all these brilliant theories have been forgotten since Maulvi A. K. Fazl-ul Haq has demanded a few more seats, and I request Maulvi Fazl-ul Haq to bear this in mind, that all that glitters is not gold.

I said yesterday we do not attach much importance to numbers because whatever be the numbers we cannot direct the policy of the Corporation. There are other communities which we do not want to belittle, but Muhammadans are also an important body. In view of the fact that Maniktala has been included in spite of the Muhammadan protest, I submit that Muhammadans should have 2 more seats. The demand of Mr. Abdur Raheem is not extraordinary. You may give it or not, but you cannot say that because Muhammadans pay less than their more fortunate brethren that they should be given less seats.

Mr. Villiers was surprised at the mentality of the Muhammadans whom he would give only 10 seats. The Europeans carry on business in the town and pay more to the Corporation and they have been given more seats, but that is no reason why Muhammadans, who far surpass them in number but pay less, should get less seats. The Chamber of Commerce has 6 seats. Why should Muhammadans have less in proportion? Is it because they pay less? That, I submit, should not be the standard.

The Hon'ble Sir SURENDRA NATH BANERJEA: Both Mr. Syed Nasim Ali and Maulvi Fazl-ul Haq sounded a note in the course of this

debate which I welcome and which, I believe, the House will welcome also. Mr. Syed Nasim Ali said that he would not accept on behalf of the Muhammadan community anything more than that to which they were entitled. Mr. Fazl-ul Haq repeated the same demand in almost similar terms. He said he would not rely for any gift or concession on the suffrage of any other community. I desire to take my stand upon the dictum of these two prominent members of the Muhammadan community. Maulvi Fazl-ul Haq suggests that the Muhammadan community should have 21 seats which means that 6 more seats should be withdrawn from the general electorate. Does Maulvi Fazl-ul Haq really think that this is consistent with fairness and justice? From the facts to which I shall presently call attention it seems to me that the demand is extravagant. Sir, we, as Government, have proceeded upon what I have described as the triple formula—the numerical strength, the voting strength, and the rating strength. It is upon this basis that we allocate seats to Muhammadan representatives in the mufassal municipalities. It is upon this basis that my hon'ble friend to my left, Babu Surendra Nath Mallik, proceeded in moving his amendment in this Council. If we rely upon these three factors there is no getting out of the position that the Muhammadans should only get 10 seats and no more. Then there is the other fact. We had already provided in the Bill for 13 seats for Muhammadans. Government is unwilling to resile from that position. Therefore, the 13 seats must remain and in view of the fact that we have added some areas to Calcutta, we are prepared to add 2 more seats and make the total number come up to 15 which, I think, is fair, just, and even generous. Sir, the population of Calcutta, enlarged as it is now in the Bill, is 10¼ lakhs: the Muhammadan population being 2¼ lakhs or about one-fourth of the total. We give 15 seats out of 63 elected seats or about one-fourth. Therefore, in allotting these seats to the Muhammadan community we withdraw two of the restrictive clauses in favour of that community and give them one-fourth of the elected seats. It is a little less, but it has to be remembered that 13 seats already allotted are much in excess of the seats to which the Muhammadan community is entitled. Nor is this all. In making this allotment of 25 per cent., I followed a precedent which was before me. In a former Bill—in Lord Sinha's Bill of 1917—only 9 seats were allotted to Muhammadans out of a total of 37 elected seats, that is about one-fourth of the total number. We also give them now about one-fourth of the total number of elected seats, viz., 15 out of 63. Therefore, we not only are just but generous. If you wanted to be strictly technical than we should have followed the triple formula. We do not do that in the present case. We withdraw 2 of the restrictive clauses in favour of the Muhammadan community confining ourselves almost exclusively to the point of population, and relying upon the basis of population we give them 15 seats that is one-fourth of the total number to which they are entitled. And this was the

percentage which was fixed in the Bill of 1917 in which communal representation though not on a transitory basis was also recommended. Therefore, having regard to all these facts and considerations I hope and trust that the House will accept the recommendation of the Government, and may I request my hon'ble friends, who moved the amendments, to withdraw them? I am sure Babu Surendra Nath Mallik will withdraw his in favour of the Muhammadan community for which we have all the highest respect and whose welfare we so ardently desire, and I hope that my friends, Maulvi Fazl-ul Haq and Mr. Abdur Raheem, will also withdraw theirs.

Maulvi A. K. FAZL-UL HAQ: May I be permitted to put a question to the Hon'ble the Minister?

Mr. PRESIDENT: Yes, you may.

Maulvi A. K. FAZL-UL HAQ: Sir, in that connection will you kindly permit me to say a few words?

Mr. PRESIDENT: No, I am afraid, not. No one knows better than you that you cannot do that. You can only ask a short question.

Maulvi A. K. FAZL-UL HAQ: If it is correct that the Government have decided out of their generosity —not merely justice— to allocate one-fourth of the total number of seats to the Muhammadans, is it not an ordinary arithmetical calculation that we are entitled to 16 seats and not 15 out of the total number of 63 seats?

Mr. PRESIDENT: Surely, Mr. Haq, that is not a question; it is really an argumentative point.

Before I put the question I would like to make the position clear to the Council. The main question is that the new Schedule IIIA stand for consideration. That is the Schedule relating to the transitory provision of the Bill which has been moved on behalf of Government. To certain items of that Schedule amendments have been moved and I will put Maulvi Fazl-ul Haq's amendment first.

Maulvi A. K. FAZL-UL HAQ: Before you put it to the House, Sir, I would ask leave to withdraw it.

Maulvi A. K. Fazl-ul Haq's motion was then, by leave of the Council, withdrawn.

Mr. Abdur Raheem's motion was then put and lost.

Babu SURENDRA NATH MALLIK: Sir, before you put my motion if you will allow me to say that in view of the fact that Maulvi Fazl-ul Haq had the good sense of withdrawing his motion, I, on behalf of the Corporation, would show a better sense by withdrawing mine.

Babu Surendra Nath Mallik's motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question now is that Schedule IIIA be adopted as it stands.

The motion was put and agreed to.

Mr. PRESIDENT: We shall now take up Schedule III as amended, and I propose to put the amendments to this schedule, ward by ward.

The following motions were withdrawn:—

Ward No. 1—Shampukur.

That for the figure 2 the figure 3 be substituted.

Ward No. 4—Sukeas Street.

That for the figure 2 the figure 3 be substituted.

Ward No. 5—Jorabagan.

That for the figure 2 the figure 3 be substituted.

Rai Fanindralal De Bahadur asked for leave to withdraw his motion on Ward No. 8, Collootola.

Babu DEBI PROSAD KHAITAN: Sir, my only objection to the withdrawal of this amendment is that I believe that the allotment of only three seats to Ward No. 8, 2 of them being reserved for Muhammadans, is due to a clerical error. Otherwise I do not understand what reasons there can be for taking away a seat from this ward after nine years leaving only 1 seat to the non-Muhammadans as provided for under this Schedule? If you compare this Schedule with Schedule IIIA, you will find that Ward No. 29 has been given the right to return 1 non-Muhammadan member at present, and after 9 years, to return 2 non-Muhammadan members. Originally it was intended to give 2 seats to Ward No. 29 from the start—at least that was so in the typewritten copy supplied to me. But I find that it has been subsequently altered to 1.

Mr. PRESIDENT: We have finished with Schedule IIIA, Mr. Khaitan.

Babu DEBI PROSAD KHAITAN: I am only showing how the mistake arose. But this alteration has not been made in the typewritten copy of Schedule III. If that alteration were made then Ward No. 29 would have got only 1, and Ward No. 8 would have got 4, 2 seats being reserved for Muhammadans.

It may be known to many of my esteemed friends in this House that, owing to the operations of the Improvement Trust, Ward No. 8 is developing very considerably. The Central Avenue has been opened there. The Soorti Bagan Street, Zakaria Street, etc., have been opened out and big buildings are coming into existence there. With the extension of the Central Avenue towards the north and south, Ward No. 8

would show further developments. The Chitpur Road Spur is also being opened out and Ward No. 8 is showing signs of considerable development. So there is no reason why the right of returning 2 councillors from this ward by the non-Muhammadans should be taken away —more so, as in the course of the next 9 years it will be further developed to a considerable degree. The Improvement Trust has already got the sanction of Government for the improvement of Burrabazar where the Marwaris carry on their business. And when the operations of the Trust begin then Ward No. 8 is the only ward where Marwari businessmen and Marwari residential people will have to shift. So that in the course of the next 9 years Ward No. 8 will be one of the most important centres of Calcutta. Therefore, I would ask the Hon'ble the Minister in charge to increase the number of councillors to be returned from that ward.

In my previous speech about Ward No. 7, I submitted that separate representation was not given to the Marwari community because it was thought that the Marwaris would be able to get returned from the general electorate of Ward No. 8. But if you only allot 1 seat to this ward after 9 years, it will be almost impossible for a member of a minor community to get returned from that ward. At present out of a total number of 2,382 in that ward only 275 are Marwaris. If it is thought that Ward No. 29 has greater claims to have an additional representative after 9 years then, in my opinion, that should be provided for by nomination or any other way Government may think fit, but not at the expense of Ward No. 8. Is it because the Marwari community is backward and non-vocal, that this right is being taken away from them? If you follow the triple formula, then the Marwaris are entitled to 7 seats. After 9 years, when Ward No. 8 will be still further developed, it is but right that it should have the right of returning two Councillors to the Corporation.

Mr. PRESIDENT: Do I understand you to suggest that you are moving Rai Fanindralal De Bahadur's amendment—substitution of 4 for 3? The number of seats according to the Government Schedule is 3 and your suggestion is to substitute 4 for 3.

Babu DEBI PROSAD KHAITAN: Yes, Sir, that is so.

Mr. S. W. GOODE: I may at once admit that there is some force in the argument which Mr. Khaitan has raised. But I think he will realize that it has been an exceedingly difficult business making these schedules fit into one another. If he looks at Schedule IIIA, he will find that the Muhammadan communities are divided with groups and that we are there allowed some elasticity in placing the Muhammadan members for whom seats should be reserved. But when we come to Schedule III we are at once confronted with the difficulty of having to

allocate Muhammadan seats to a specific constituency. That rendered it extremely difficult, tied down as we were to numbers, to produce a scheme which fitted in with the figures of population, rating, and other claims. We were, therefore, compelled to reduce Collootola from its 4 seats to 3, of which 2 are to be reserved for Muhammadans in view of the importance of the Muhammadan community in that locality. I approached Babu Surendra Nath Mallik and suggested to him that the difficulty might be obviated if he would place at my disposal one of the seats from the Bhowanipore wards. But I did not find that he accepted the suggestion with any very great enthusiasm. We ultimately produced the Schedule which is now before the House. But I do agree that there is great force in what Mr. Khaitan says that the Marwaris, for whom we are anxious to find adequate representation, have, during recent years, owing to the operations of the Improvement Trust, drifted more and more into Collootola and it would be, I think, a good thing if we could find another place in that constituency in order that the Marwari community may have a better opportunity of obtaining their fair share of representation. This can be arranged by taking away one seat from Kumartuli (Ward No. 2) and allotting it to Ward No. 8 so as to restore it to its original number of seats, that is to say, 4 seats, 2 being reserved for Muhammadans, and Government is prepared to consider this proposition. But this would be traversing grounds which we have left behind as we have already passed Ward No. 2. I am reluctant to do this, but if you would permit me, Sir, I would move an amendment on that line.

Mr. PRESIDENT: Will that satisfy you, Mr. Khaitan? Mr. Goode proposes to take away one seat from Ward No. 2 and allot it to Ward No. 8.

Babu DEBI PROSAD KHAITAN: I may at once say that it will satisfy me. But if Mr. Goode finds any difficulty about the matter, I would suggest that he should take it out of Ward No. 29.

Mr. PRESIDENT: There is no difficulty, Mr. Goode has made the offer.

Mr. S. W. GOODE: It would be impossible to make any other arrangement. With your permission, Sir, I will move that one seat be taken away from Kumartuli non-Muhammadan and added to the non-Muhamdan seat against Collootola

The motion was then put in the following form and agreed to.

In Schedule III, A—General Constituencies, in the entry relating to Kumartuli in column 3, for the word "Two" the word "One" be substituted, and in the entry relating to Collootola in column 3 for the word "Three" the word "Four" be substituted.

Ward No 11, Paddapukur—Number of seats allotted 1

The following motion was, in the absence of the movers, deemed to be withdrawn:—

"That for the figure 1, the figure 2 be substituted."

Rai Fanindralal De Bahadur's motion which was identical was, by leave of the Council, withdrawn.

Ward No. 13, Fenwick Bazar Number of seats allotted 1.

The following motion was, in the absence of the movers, deemed to be withdrawn:—

"That for the figure 1, the figure 2 be substituted."

Rai Fanindralal De Bahadur's motion which was identical was, by leave of the Council withdrawn.

Ward No. 20, Tangra— Number of seats allotted 1.

Babu Amulya Dhone Addy being absent, the following motion standing in his name was deemed to be withdrawn:—

"That in Schedule III in the general constituencies—

(1) after the entry relating to 'Bamun Bustee,' in line 18, the following be inserted, namely:—

'Hastings	Ward No. 18	One;'

(2) the entries relating to Tangra and Tollyganj, lines 21 and 23, be omitted.

(3) for the word 'Ballyganj,' line 22, in column 1, the words 'Ballyganj and Tollyganj,' and for the words 'Watganj and Hastings,' in line 27, in column 1, the word 'Watganj' be substituted; and

(4) in column 2 the numbers of wards from 19 onwards be renumbered."

Ward No. 23, Bhowanipur— Number of seats allotted 2.

The following motion standing in the name of Rai Fanindralal De Bahadur was, by leave of the Council, withdrawn:—

"That for the figure 2 the figure 1 be substituted."

Ward No. 24, Alipore—Number of seats allotted 1.

Babu Amulya Dhone Addy being absent, the following motion standing in his name was deemed to be withdrawn:—

"That Schedule III be so amended as to divide Ward No. 24 into two sections Nos. 24A and 24B and that one seat be allotted to each section."

Ward No. 27, Maniktala (Maniktala North)—Number of seats allotted 2.

Mr. S. MAHBOOB ALEY: I beg to move that for the figure 2, the figure 3 be substituted.

Mr. S. W. COODE: I think if Mr. Mahboob Aley were to study the figures, he will agree that a rather liberal representation has been given to Maniktala. Maniktala has been given 5 seats out of 16 seats provided for the added area. I think it is a fair representation: it is more than the residents of Maniktala originally asked for and even in a more recent petition they only asked for 6 and we have given them 5. So we may assume that the residents of that municipality will not be dissatisfied. I hope Mr. Mahboob Aley will not press this amendment.

The motion was then, by leave of the Council, withdrawn.

Babu Hem Chandra Nasker's motion, which was identical, was also by leave of the Council withdrawn.

Ward No. 28, Beliaghata—Number of seats allotted 3.

The following motion was, in the absence of the movers, deemed to be withdrawn:—

"That for the figure 3, the figure 2 be substituted."

Rai Fanindralal De Bahadur's motion which was identical was, by leave of the Council, withdrawn.

Ward No. 29, Satpukur—Number of seats allotted 2.

The following motion standing in the name of Babu Surendra Nath Mallik was, by leave of the Council, withdrawn:—

"That for the figure 2, the figure 1 be substituted."

Ward No. 31, Cossipore—Number of seats allotted 3.

The following motion standing in the name of Babu Surendra Nath Mallik was, by leave of the Council, withdrawn:—

"That for the figure 3, the figure 2 be substituted."

The following motion standing in the name of Raja Reshee Case Law was, by leave of the Council, withdrawn:—

"That at the end of 'A—General Constituencies' in Schedule III, the following, be inserted namely:—

'Cossipore-Chitpur	Ward No. 29	Three.
Cossipore-Chitpur	Ward No. 30	Two.'

Ward No. 32, Garden Reach—Number of seats allotted 4.

The following motion standing in the name of Mr. S. C. Stuart-Williams was, by leave of the Council, withdrawn:—

"That for the figure 4, the figure 2 be substituted."

Mr. PRESIDENT: Now we come to the various amendments on the subject of Muhammadan representation.

The following motions were deemed to be withdrawn:—

"That for Schedule III, 'A.—General Constituencies' the following be substituted, namely:—

'A.—*General constituencies.*

Shampukur	Ward No. 1	Two	One.
Kumartuli	Ward No. 2	Two	
Bartola	Ward No. 3	Two	
Sukeas Street	Ward No. 4	Two	One.
Jorabagan	Ward No. 5	Three	
Jorasanko	Ward No. 6	Two	
Bara Bazar	Ward No. 7	Three	Two.
Collootola	Ward No. 8	Four	
Muchipara	Ward No. 9	Three	One.
Bow Bazar	Ward No. 10	Two	One.
Paddapukur	Ward No. 11	Two	
Waterloo Street	Ward No. 12	One	

Fenwick Bazar	...	Ward No. 13	Two	One.
Taltola	...	Ward No. 14	Two	
Kalinga	...	Ward No. 15	One	One.
Park Street	...	Ward No. 16	One	
Bamun Bustee	...	Ward No. 17	One	
Entally	...	Ward No. 18	Two	
Beniapukur	...	Ward No. 19	Two	One.
Tangra	...	Ward No. 20	One	
Ballyganj	...	Ward No. 21	Two	One.
Tollyganj	...	Ward No. 22	One	
Bhowanipur	...	Ward No. 23	Three	
Alipore	...	Ward No. 24	One	One.
Ekbalpore	...	Ward No. 25	Two	
Watganj and Hastings		Ward No. 26	Two	One.
Maniktala North	...	Ward No. 27	Two	One."
Maniktala South	...	Ward No. 28	Two	

" That in Schedule III for the entries under the head ' A.—General Constituencies ' the following be substituted:—

' A.—*General constituencies.*

Shampukur	...	Ward No. 1	Two	One.
Kumartuli	...	Ward No. 2	Two	
Bartola	...	Ward No. 3	Two	One.
Sukeas Street	...	Ward No. 4	Two	
Jorabagan	...	Ward No. 5	Three	One.
Jorasanko	...	Ward No. 6	Two	
Bara Bazar	...	Ward No. 7	Three	One.
Collootola	...	Ward No. 8	Four	Two.
Muchipara	...	Ward No. 9	Three	One.
Bow Bazar	...	Ward No. 10	Two	One.
Paddapukur	...	Ward No. 11	Two	One.
Waterloo Street	...	Ward No. 12	One	
Fenwick Bazar	...	Ward No. 13	Two	One.
Taltola	...	Ward No. 14	Two	One.
Kalinga	...	Ward No. 15	One	One.
Park Street	...	Ward No. 16	One	
Bamun Bustee	...	Ward No. 17	One	One.
Entally	...	Ward No. 18	Two	One.
Beniapukur	...	Ward No. 19	Two	One.

Tangra	...	Ward No. 20	One	One.
Ballyganj	...	Ward No. 21	Two	
Tollyganj	...	Ward No. 22	One	One.
Bhowanipur	...	Ward No. 23	Three	
Alipore	...	Ward No. 24	One	
Ekbalpore	...	Ward No. 25	Two	One.
Watganj and Hastings		Ward No. 26	Two	One.' "

" That in Schedule III for the entries in columns 3 and 4 of the general constituencies, the following words and brackets be substituted, namely:—

'Two	...	Two	... One.
Two	...		
Two	...	Two	...
Two	... Three.	One	... One.
Three	...		
Two	...	Two	...
Three	...	One	...
Four	...	Three	... Two.
		One	...
Three	...	Two	...
Two	...		
Two	... Two.	Two	...
One	...	Two	... Two.'"
		Two	...
Two	...		
Two	...		
One	... Two.		
One	...		
One	...		

" That in Schedule III for columns 3 and 4 under the heading 'A.—General Constituencies' the following be substituted, namely:—

3.	
'Two.	
Two.	
Two.	
Two.	
Three.	
Two	One.
Three	Two.
Four	Three.
Three	One.
Two	One.

Two.	
One.	
Two	One.
Two	One.
One.	
One.	
One.	
Two	One.
Two	One.
One.	
Two	One.
One	One.
Three.	
One.	
Two	One.
Two	One.
Two	One.
Two	One.

"That in Schedule III for columns 3 and 4 the following be substituted, namely:—

3.	
Two.	
Two.	
Two.	
Two.	
Three.	
Two.	
Three	Two.
Four	Three.
Three	Two.
Two	One.
Two.	
One.	
Two	One.
Two	One.
One.	
One.	

One.	
Two	One.
Two	One.
One	One.
Two	One.
One	One.
Three	One.
One.	
Two	One.
Two	One.
Two	One.
Two	One.' "

" That in Schedule III, column 4 (number of seats included in column 3 reserved for Muhammadans), the following increments in number be made, namely:—

' Ward No. 14 from One to Two.
Ward No. 15 from nil to One
Ward No. 18 from One to Two
Ward No. 19 from One to Two
Ward No. 25 from One to Two
Ward No. 31 from One to Two.' "

" That in Schedule III the following be inserted at the end of the list of general contingencies, namely:—

' Satpukur	...	Ward No. 29	...	One			
Belgatchia	..	Ward No. 30	...	Two	...	One.	
Cossipore	...	Ward No. 31	...	Two	...	One.' "	

" That in the proposed Schedule III, List of Contingencies—

' (*a*) That for Ward No. 8, number of seats included in column 3 reserved for Muhammadans, the word 'one' be substituted for the word 'two' and one seat be reserved for Muhammadans for Ward No. 29.

(*b*) That if amendment (*a*) be carried, for Ward No. 8, the word 'four' be substituted for the word 'three,' and for Ward No. 29 the word ' one ' be substitued for the word ' two.' "

"That in Schedule III, A.—General Constituencies, for the words—

'Ward No. 27 ... Two.
Ward No. 28 ... Two ... One'

the words 'Ward No. 27 ... Three ... One
Ward No. 28 ... Three ... One' be substituted."

"That in Schedule III, A. General Constituencies, last but one entry, column 4, against Maniktala North, Ward No. 27, the word 'One' be added."

"That in Schedule III the following be inserted at the end of the list of A.—General Constituencies, namely:—

'Garden Reach ... Ward No. 29 ... Two ... One.'"

"That at the end of 'A.—General constituencies' in Schedule III, the following be inserted, namely:—

'Cossipore-Chitpur ... Ward No. 29 ... Three.
Cossipore-Chitpur ... Ward No. 30 ... Two.'"

Mr. PRESIDENT: Kumar Sahib, will you please take the Chair for a few minutes? The Deputy-President wants to speak on this motion.

Kumar Shib Shekhareswar Ray then took the Chair.

Dr. PRAMATHANATH BANERJEA: I move that in Schedule III, B.—Special Constituencies and in Schedule III A.C.—special constituencies—

(*i*) for the word "six" in column 3 against "Bengal Chamber of Commerce" the word "four" be substituted;

(*ii*) for the word "four" in column 3 against "Calcutta Trades Association" the word "two" be substituted;

(*iii*) the following four new entries be made at the end of the list, namely:—

"Calcutta University	...	Non-territorial	... Two.
Bengal National Chamber of Commerce	...	Non-territorial	... Two.
Marwari Association	...	Non-territorial	... Two.
Bengal Mahajan Sabha	...	Non-territorial	... One."

My object in moving this amendment is that I wish to reduce the number of seats which have been allotted to the Bengal Chamber of Commerce and the Calcutta Trades Association—two European commercial bodies—and to allot seats to three Indian commercial bodies and one educational institution, namely, the Calcutta University. Sir, to me it appears that the representation which is sought to be given to the Bengal Chamber of Commerce is a little too much. I also think that the Calcutta Trades Association does not deserve to have four representatives on the Calcutta Corporation. At the same time a great injustice is sought to be done to two or three Indian commercial bodies, namely, the Bengal National Chamber of Commerce, the Marwari Association, and the Bengal Mahajan Sabha. Now what is the ground on which representation is sought to be allotted to these bodies? It is thought, I believe, proper to allow the European commercial bodies to send representatives to the Corporation in order that they may look after trade interests. Now, there are very influential Indian trading bodies which also demand representation and which are justly entitled to it. The Bengal National Chamber of Commerce is entitled to send two representatives and the Marwari Association and the Mahajan Sabha one representative each to this Council. Besides, these three bodies are entitled alternately to send one representative to the Indian Legislative Assembly. Now, is it right and proper to deprive these commercial bodies, which are so influential and so important, of their right to return representatives to the Calcutta Corporation? If European trade interests are important, no less important are Indian trade interest.

Then I come to the Calcutta University. If representation is based on interests, I do not see why the educational interests of the city should be left unrepresented. In this connection, I may be allowed to indulge in a bit of ancient history. When the Calcutta Municipal Bill of 1899 was under consideration in the Bengal Legislative Council, Babu (now Sir) Surendra Nath Banerjea moved an amendment to this very effect. I know his position has now changed, but let us hope his angle of vision has not changed. Babu Surendra Nath Banerjea proposed to give seats to the Calcutta University, to the Bengal National Chamber of Commerce, and to the Marwari Association. The Bengal Mahajan Sabha had not yet become important and it was left out. This proposal, I may add, had the hearty support of all the elected members of the Legislative Council including Dr. Asutosh Mukharji, Raja Sashi Shekareswar Ray Bahadur of Tahirpur, the late lamented Babu Baikunta Nath Sen, and Mr. J. G. Apcar. I may add one word to the claims of the Calcutta University. When this Bill was being considered in the Bengal Legislative Council in 1899, Mr. Baker (afterwards Lieutenant-Governor of Bengal) opposed the proposal to give a seat to the Calcutta University on two grounds. His first ground was that the Calcutta University was an examining body, and it was not

localized. Sir, things have changed considerably since then. The Calcutta University is no longer an examining body pure and simple.

The Hon'ble Sir SURENDRA NATH BANERJEA: What was the other reason?

Dr. PRAMATHANATH BANERJEA: I shall come to it presently. In fact, the teaching activities of the Calcutta University have now become so important as to engage the serious attention of the Minister of Education and of some members of this Council.

Mr. Baker's second ground was that the Calcutta Corporation had nothing to do with education. Well, in this respect some change has been made, although I think the change has not been commensurate with the needs of the time. I find that in the Bill under consideration, under the heading "Special duties of the Corporation," education is included, and I hope and trust that in the near future the educational activities of the Calcutta Corporation will become far more important than they are at the present moment.

Now considering these facts I think it is very important that some representation should be given to the Calcutta University. If the learned men who adorn that body send representatives to the Calcutta Corporation, it will be greatly benefited. The advice of eminent physicians, engineers, and educational experts is sure to be of great help to the Corporation. I hope, therefore, that the Hon'ble the Minister will see his way to accept this amendment.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): It is with very great pleasure that I support this amendment of Dr. Banerjea for giving a seat to the University of Calcutta. Dr. Banerjea has already said that this matter came up before the Council in the year 1899 when the Calcutta Municipal Act of 1888 was amended. We find from the proceedings of the Bengal Legislative Council for the year 1899 that the proposal, which is now being made by Dr. Banerjea, was made by the Hon'ble Babu Surendra Nath Banerjea as he then was. He asked for two seats, whereas the member, who represented the Calcutta University in the Bengal Legislative Council, Babu Asutosh Mukherji, asked for only one. Well, as has been said by Dr. Banerjea, what were the grounds on which the Hon'ble Mr. Baker opposed the demand of the Hon'ble Babu Surendra Nath Banerjea? His grounds were first, that the Calcuta University was simply an examining body and that its activities were spread throughout Bengal, Assam and Burma; secondly, that the Calcutta Corporation was not at all connected with, or interested in, education because it only spent Rs. 3,000 on primary education in the added area. These were the two grounds upon which Mr. Baker opposed the amendment of the Hon'ble Babu Surendra Nath Banerjea. Now, as we all know, the state of things has quite changed.

The Calcutta University has a post-graduate teaching class consisting of more than 2,000 boys; it has got a Law College of more than 2,000 boys; it has got at least 10 to 12 hostels consisting of Hindu and Muhammadan boys from the different parts of Bengal, and it has got a number of medical inspectors to look after the health of the boys and the sanitation of the hostels where the boys live. On the other hand the Calcutta Corporation will have to pay about Rs. 3 lakhs for primary education and it now gives a handsome contribution to the Belgachia Medical College. So not only the activities of the Calcutta University have increased but the Calcutta Corporation itself will have to spend substantial amount in education. Now, such being the case, how is it that we find a popular Minister not giving at least one seat to the Calcutta University. We all know full well that the Act of 1899 was the handicraft of a hidebound bureaucrat. Now we have got a popular Minister in charge of the Local Self-Government portfolio—we have now an administration which is of the people, by the people and for the people. That is the change which has come over us. I hope my friends from the mufassal both Hindu and Muhammadan, will all vote in favour of this amendment because they are all interested in it as their children all come and live in Calcutta for education and live in hostels which are supervised by the Calcutta University.

Babu AMULYA DHONE ADDY: I move that in Schedule III to the list of "B—Special Constituencies," and in Schedule III A. C.—"Special Constituencies," namely:—

"Bengal National Chamber of Commerce	...	Non-territorial	... Two.
Marwari Association	...	Non-territorial	... Two.
University of Calcutta	...	Non-territorial	... One."

It is commerce that has made Calcutta what it is. If you take away trade and commerce from Calcutta, it would be nothing but a mufassal city like Patna, Dacca or Burdwan. Therefore, the improvement of Calcutta is due to commerce, and that is the reason why Government has been pleased to allot a large number of seats to the Bengal Chamber of Commerce, the Calcutta Trades Association, and the Port Commissioners of Calcutta. They have not only done that but also have increased the number of seats to the Bengal Chamber of Commerce. That is the reason why I beg to submit that certain seats should be allotted to Indian trade, Indian industries, and Indian commerce.

As regards the Bengal National Chamber of Commerce, I may be allowed to say that their claims have long been recognized by the Government. It has been stated from time to time that it was nothing but one-man show, but circumstances have materially altered. It now consists

of 200 members, most of whom are leading merchants and Indian gentlemen interested in industries. The Government has been pleased to allow this Chamber to be represented in several public bodies, viz., the Calcutta Improvement Trust, the Calcutta Port Trust, Standing Waterways Committee, the Government Commercial Institute Board, Bengal Smoke-Nuisance Committee, Fire Control Committee, and similar public bodies. The Government has been pleased to allot seats to this Bengal National Chamber of Commerce, and the Marwari Association in the Bengal Legislative Council. Not only that, the Bengal National Chamber of Commerce has been allowed to have a representative in the Indian Legislative Assembly. That is the reason why I beg to submit that certain seats should be allotted to represent the Indian trade, Indian commerce, and Indian industry in the Calcutta Corporation. It is always said that the members of these Chambers can stand for election through the general constituencies, but I beg to submit that as they are men of business, they cannot be expected to devote their time in canvassing, especially as the franchise has been lowered from the payment of Rs. 24 per annum to Rs. 12 per annum. It has been extended also to hut-owners and it has been extended to subtenants and even to females. The number of voters in the general constituencies will be trebled. You cannot expect men of business to see all these voters. That is the reason why special seats should be allotted to these Chambers and that is the reason why special seats have been allotted to the Calcutta Trades Association as well as the Bengal Chamber of Commerce. It might be said, and it is said, that some of these Indian merchants may be nominated by the Government to the Calcutta Corporation, but the total number of nominated members has been reduced from 15 to 10 and I do not think that there is any prospect. It will appear from the Calcutta Municipal Bill of 1917 that one seat was allotted to the Bengal National Chamber of Commerce, two seats to the Marwari Association, and one seat to the Calcutta University. Then, Sir, it appears from a representation which was submitted by some leading citizens of Calcutta of which I had the honour to be the Secretary and of which the Hon'ble the Minister Sir Surendra Nath Banerjea was the President, that they strongly recommended that one seat should be allotted to the Bengal National Chamber of Commerce, one to the Marwari Association and one to the Calcutta University.

The Hon'ble Sir SURENDRA NATH BANERJEA: What is the date?

Babu AMULYA DHONE ADDY: The 9th June, 1919.

Then as regards the Marwari Association, I might be allowed to say that they have a great interest in Calcutta. Most of the inland trade of Calcutta is in their hands. Even a certain portion of the foreign trade

is in their hands and they have invested also money in landed property and they pay heavy rates and taxes to the Calcutta Corporation. No seat has been allotted to them, though 15 seats have been allotted to the Muhammadan gentlemen of Calcutta. That is one of the reasons as to why at least two special should be allotted to the Marwari Association. I may be allowed to say that in the year 1919 the Calcutta Corporation itself recommended four seats to the Marwari community. I find that under the Bombay Municipal Act only one seat was allotted to the Bombay Chamber of Commerce, but recently under Act VII of 1922, another seat has been allotted to the Indian Merchants' Chamber and another seat to the Bombay Millowners' Association. So, it appears that though the number of members of the Bombay Corporation has been increased to 100, only one seat has been allotted to the Bombay Chamber of Commerce which represent generally European commerce and industries, while two seats have been allotted to represent Indian trade, industry, and commerce in Bombay.

Then, Sir, I would draw your special attention to the resolution of the Government of Bengal on this subject, dated the 21st July, 1913. I beg to draw the special attention of the Hon'ble the Minister in charge of Local Self-Government. It runs as follows: —

> There are two associations whose claims must be taken into account in view of the interests which they represent. The Bengal National Chamber of Commerce and the Marwari Association are public bodies representative of important interests in Calcutta (I draw your special attention to the very wording "important interests in Calcutta") and may reasonably expect to be allowed to have representatives in the Corporation.

Then as regards the Calcutta University, I may say that the educational community must not be forgotten and the nomination by the Calcutta University of one representative will result in a valuable addition to the Corporation. With regard to the University I beg to submit that though some 80 per cent. of the members are nominated by the Government, under the Bill of our esteemed friend, Babu Surendra Nath Mallik, the worthy Chairman of the Calcutta Corporation, some 80 members will be elected by the people. Therefore, it will be a popular body and it would be right and just if this popular body would be allowed to have at least one representative in the Calcutta Corporation. With regard to this body, I may be allowed to say that in the Senate of the Calcutta University are the most distinguished Doctors, most competent Engineers, Jurists, eminent Professors and Economists, both European and Indian. If the Senate of the University is authorized to send a representative to the Corporation, it might from time to time send a great Doctor, or an experienced Engineer or other expert whose helpful advice could not otherwise be secured. One of the duties of the Corporation is to encourage primary education and industrial education. That

is one of the reasons why it is advisable to have at least one representative of the University in the Corporation. That was the reason why Government was pleased to nominate the Hon'ble Dr. Sir Devaprosad Sarbadhikari as a member of the Corporation, but at present there is no chance, as the total number of nominated members is going to be reduced from 15 to 10. The Hon'ble Sir Asutosh Mukharji moved a resolution to this effect while the Calcutta Municipal Bill of 1899 was on the legislative anvil. The Hon'ble Sir Edward Baker appeared to be inclined to accept it, but he could not as, owing to the regrettable mandate of the Government of India, the total number of members of the Corporation was under the Bill limited to 50.

Then, Sir, as regards the number of seats, I do not mean to say that the number of seats of the general constituencies should be reduced, nor do I suggest, as has been suggested by Dr. Pramathanath Banerjea, that the number of seats allotted to the Bengal Chamber of Commerce as well as the Calcutta Trades Association should be reduced, but what I beg to submit is that we must do equal justice—justice not only to the Bengal Chamber of Commerce, not only to the European merchants of Calcutta, but also to the Indian merchants of Calcutta. That is the reason why we have allotted seats to Muhammadans. Why should we not do the same justice to the Indian merchants? I think that it is one of the steps to be taken for the encouragement of Indian trade and commerce. Then it may be said that we shall have to increase the number if my suggestion is accepted. In this connection I may be allowed to say that in 1863 the total number of members of the Calcutta Corporation was 100. Under the Act of 1876, it was reduced to 72. Then, in the year 1888, it was increased to 75 though a very large area was added to it. Now the population has increased during the last few years. Three municipalities have just been amalgamated with the Calcutta municipality and, therefore, for the encouragement of Indian trade and commerce, there will be no harm if we increase the number of seats by five only. It appears that the number of members of the Berlin Council is 126; of the Vienna Council, 136; of the London County Council, 118, and of the Common Council of London 232. Therefore, having regard to the increased population of Calcutta with the area newly added, I do not think that there would be any objection to increase the number from 90, as suggested by the Government itself, to 95. Therefore, I beg to submit that if we are to do justice to the Indian traders, we must allot at least two seats to the Bengal National Chamber of Commerce, two seats to the Marwari Association, and one seat to the Calcutta University.

Rai Dr. HARIDHAN DUTT Bahadur: I am sorry I have to oppose both these amendments, the amendment of my friend, Dr. Banerjea, as well as of my friend, Babu Amulya Dhone Addy. My main reason for rising to oppose these amendments is that I am against institutional

bodies being given the right of representation. Only till the other day the Corporation of Calcutta was an institutional body returning a member to the Bengal Legislative Council. That was an old state of things which has been done away with. Six seats have been given to the Corporation of Calcutta, but I would ask my friend, Babu Amulya Dhone Addy, to remember that the old state of affairs -

Babu SURENDRA NATH MALLIK: Six seats have been given not to the Corporation of Calcutta but to the city of Calcutta.

Rai Dr. HARIDHAN DUTT Bahadur: I am right in saying that Calcutta enjoyed one seat and the electorate was the Corporation of Calcutta. The present system is this: Calcutta has got six seats and the electorate is no longer the Corporation of Calcutta but it is broad-based upon the popular franchise and six electorates have been formed consisting of the ratepayers of the city of Calcutta. That is the proper cause to take. That is the way we democratize our franchise. Instead of that, if we increase the number of institutional bodies, that would be against the principle of democratization for which all of us are anxious. My friend, Dr. Pramathanath Banerjea, who is naturally so very anxious for the University of Calcutta being represented, has suggested that two seats should be given to the University of Calcutta. Will my friend kindly tell me who would be the electorate the Syndicate or the Senate? If it is the Senate, a limited number of men will elect these two representatives; if it is the Syndicate, worse things will happen.

Then coming to the Bengal National Chamber of Commerce, nobody knows more fully than Babu Amulya Dhone Addy that this Chamber consists of a limited number of gentlemen. However estimable and worthy these gentlemen may be, the number is very limited. Are we going to allow that body to return two members to the Corporation of Calcutta? Then coming to the Marwari Association the same remarks apply to them. The Bengal Mahajan Sabha I say ditto. These consist of a number of group of men, very intelligent and very influential, no doubt, but their number is so small that I am particularly opposed to give any franchise to return two members to the Corporation to such limited bodies. As I have begun by telling you, I am opposed to any franchise being given to institutional bodies. My friend might very well ask them why has the Corporation of Calcutta given the franchise to the Trades Association, to the Bengal Chamber of Commerce, and to the Port Trust? It is true that these three bodies are all institutional bodies and franchise has been given to them. There I must explain. From a long time these three bodies have enjoyed the representation on the Corporation of Calcutta. We discussed the situation and tried to find out whether it would be proper to do away with the right which they

enjoyed so long. There was a strong feeling in the Corporation that because they had enjoyed this privilege for a pretty long time, the existing state of affairs should not be disturbed. It was actually accepting the situation as at present exists instead of bringing in an innovation which might altogether unsettle the whole arrangement. Another point which is very important in this connection, and which I would ask my friends to consider, is the question of European representation. I am one of those who are bound to admit that the day has not yet come when the Corporation of Calcutta can do without adequate European representation. My friend, Dr. Banerjea, will perhaps think that I am going against my own countrymen, but I am not. I feel in the innermost recess of my heart that some of the Europeans who were associated with the Corporation had done excellent work and I must acknowledge their very good and noble work. In the Corporation of Calcutta there are now two different communities predominant, viz., the European community and the Indian, or I may say the Hindu community. The Muhammadan community was represented by a very small number. We are changing that state of affairs and the Muhammadans will be there in a very large number, almost as large as the Hindus. In Bombay also there are the Muhammadans, the Hindus, and there is a third community, viz., the European community. Those who like that the Calcutta Corporation should work as smoothly as we all desire, should not forget that it is desirable that these three different communities must have a balancing between them. We should not, therefore, do away with the European representation in the Corporation as that would not be to our interest. If the six seats allotted to the Chamber of Commerce, four seats to the Trades Association, and two of the Port Trust were to be reduced, the possibility of adequate representation of Europeans in the Corporation will be also reduced. My friends might say that through the non-Muhammadan constituencies, i.e., the general constituencies, Europeans can come in. There is a good deal of force in that, but I believe and most of my friends will perhaps agree with me when I say that those Europeans who have done very useful service in the Corporation are not likely to be anxious to come through election by these general electorates. Unless we give them some facilities for entering the Corporation through the Bengal Chamber of Commerce, the Port Trust, and the Trades Association, the number of Europeans in the Corporation is bound to go down. That is one of the reasons why I am opposed to disturbing the arrangement that has been recommended by the Corporation.

It cannot but be admitted that the University of Calcutta is a very influential body and that the Bengal National Chamber of Commerce, the Marwari Association, and the Bengal Mahajan Sabha are very influential associations. Is it not true that these influential institutions are already well represented in the Corporation of Calcutta?

Babu AMULYA DHONE ADDY: Question!

Rai Dr. HARIDHAN DUTT Bahadur: My friend questions because it hurts him, but I say that he is the best representative of the Bengal National Chamber of Commerce and the Bengal Mahajan Sabha in the Corporation of Calcutta. I ask him, who can better represent the Bengal National Chamber of Commerce and the Bengal Mahajan Sabha than our esteemed friends, Raja Reshee Case Law and Babu Amulya Dhone Addy? As regards the Calcutta University I must admit that the Calcutta University has no very strong champion in the Corporation, but might I point out that secondary education and higher education, which are the province of the Calcutta University, have very little to do with the Corporation? The Calcutta Corporation has only primary education in its hands and nothing beyond it. I have already stated to this Council the two important points which have led me to oppose these amendments. I would repeat them once more before I resume my seat. The first is my objection to any institutional body being given representation; and the second is that if the amendments are carried, it will reduce the number of Europeans coming into the Corporation.

Babu JOGENDRA NATH ROY: I move, if motion No. 703 be not carried, that in Schedule III to the list of "B Special Constituencies," and in Schedule IIIA C Special Constituencies; the following be added, namely:—

"Bengal National Chamber of Commerce	Non-territorial	..	Two.
Marwari Association	Non-territorial	...	Two."

In moving this amendment I have to say that it is a matter of surprise that there should be difference in the treatment accorded to the European mercantile community and the Indian mercantile classes. Calcutta, Sir, has been built by the energy and the enterprise of its merchant princes, both Indian and European. But the Hon'ble the Minister in charge of the Bill, while ignoring the claims of Indians, has spread his sails so as to catch every breath of applause from Chowringhee and Clive Street, and with an eye to the sympathy and support of the Rotarians who have a reputation for lavish hospitality often extended to our brown bureaucrats. Poor Burrabazar, Hatkhola and Ultadanga must contribute for the glory of Calcutta and go without representation. And that ancient foundation the Calcutta University is not considered aristocratic enough to get a representation on the Corporation as recruited by the transferred half of the Government of Bengal.

If the Hon'ble the Minister had given proof of the courage of his conviction by doing away with special constituencies one could have understood his action. But he has been generous in allocating seats to Europeans. Not only has the Bengal Chamber of Commerce been given six representatives but the Calcutta Trades Association, too, has been

allotted four seats. So, between them, they will get 10 members to safeguard their interests. And why? Because the Hon'ble the Minister is convinced that they are busy men and have no time to go about shouting and touting for votes in the general constituencies. And he cannot do without them. But is he equally convinced that the Indian merchants have ample leisure to go about canvassing? Or does he think that the Indian merchants have no place in the Calcutta Corporation and no special interest in the city where civic duties can only be performed by journalists and politicians?

My friend, Babu Amulya Dhone Addy, who, together with Raja Reshee Case Law, represents the Bengal National Chamber of Commerce in this Council, has, in his able note of dissent, mentioned some of the bodies on which that Chamber has representatives. I shall only add to that list the name of the Indian Mercantile Marine Commission which is now meeting at Delhi and on which Indian interest is represented by two members, one of them the Secretary of the Chamber. To ignore the importance of the Marwari Community in Calcutta is an exhibition of ignorance which cannot but be deplored.

Before, Sir, I leave this point I would like to point out that in the Bill that had been drafted by the Government of Bengal before the Reforms, there was provision for the representation of the Bengal National Chamber of Commerce. But here we have the first fruit of the Reforms and well may people cry, "save us from them." I hope the Council will see the reasonableness of my demand and accept the amendment.

Only the other day, Sir, this Council by a majority granted communal representation to the Muhammadans of Calcutta accepting a pernicious principle against which the Hon'ble the Minister, who accepted that decision, had afterwards waxed eloquent. So we are going to have not only a special electorate, but also communal representation! What reason can be adduced against granting special representation to the Bengal National Chamber of Commerce and the Marwari Association? What dire offence have these two important bodies done to incur the displeasure of the framers of the Bill?

I appeal to the Council not to ignore the interest of the Indian Mercantile community, and I hope my European friends will co-operate with us in securing the recognition of that community.

Just now a great injustice has been done to the mercantile community by taking away, without any notice, one seat out of two from the Kumartuli ward to correct a mistake.

At this stage the Hon'ble the President returned to the Chair.

Raja RESHEE CASE LAW: When the claims of the Bengal Chamber of Commerce, the Calcutta Trades Association, and the Calcutta Port Commissioners have been recognized as special constituencies, there is no valid reason to ignore the claims of the Bengal

National Chamber of Commerce and the Marwari Association whose influence, as representing industrial and trading communities, is by no means less than that of the aforesaid three constituencies. The Government of Bengal recognized the importance of these two by a formal resolution published in 1923, and both these bodies have since been allowed to send up their representatives to various public bodies which have come into existence with the sanction of Government. They represent very important interests in Calcutta and the whole of the inland trade of the city is in their hands.

I therefore propose that the Bengal National Chamber of Commerce and the Marwari Association should have the right to return two Councillors each as special constituencies. The total number in the special electorate would, therefore, be increased by four.

Babu AMULYA DHONE ADDY: May I speak on this amendment, Sir, if my amendment happens to be lost?

Mr. PRESIDENT: When you moved your amendment you made an extremely comprehensive speech, so you cannot speak on both the amendments.

Mr. SYED NASIM ALI: I oppose the amendment of Dr. Banerjea as well as that of Babu Amulya Dhone Addy. I have already said that the first principle of local self-government nowadays is the political training of the people for Swaraj. That should be the first and foremost policy apart from all other considerations. The Calcutta Corporation should be the field in which the people of this city must be trained in order that they may be fit for Swaraj in this country. I do not think the Bengal National Chamber of Commerce, the Marwari Association, or the Calcutta University requires training apart from its members. These institutions certainly are not to be trained. It is rather the members of these institutions who are to be trained. Look at the constitution of all these institutions. Certainly the best type of Hindu, who expects to be returned from the Bengal National Chamber of Commerce, Marwari Association, or the Calcutta University, can get elected on the Calcutta Corporation through the general electorate. Therefore, the first and foremost consideration is the training of the citizens of this city and how this training is to be secured. The training must be of all classes of the people—Hindus, Muhammadans, and Europeans. In an institutional body the training must be of the people. There is a misapprehension in the argument of the advocates of institutional representation. I am against all institutional representations and there must not be any institutional representation if the Corporation of Calcutta is to be democratized. It would appear that the Bengal Chamber of Commerce, the Trades Association, and the Port Commissioners have got a certain number of seats, and therefore, argues my friend, Babu Amulya Dhone Addy, that other institutions also ought to get it, but he forgets that the main object of

reserving these 12 seats for the three institutions is simply to safeguard the European interests. It is not a question of institutional representation; but it is a question of the representation of interests—namely, European interests. Government consider that European interests cannot properly be safeguarded by election through the general electorate. I support the special electorate for the Europeans for the same reason that I support it in the case of the Muhammadans. If Muhammadan interests are to be safeguarded through special Muhammadan electorates, certainly European interests should also be safeguarded through European electorates; because, in practice, it would be very difficult to get the best type of Europeans through the general electorate or because they would not like to take the trouble of getting themselves elected through a general European electorate. Government have decided that the only special electorate in which they might get the best type of Europeans is the Bengal Chamber of Commerce, the Trades Association, and the Port Commissioners. My friends who are trying to advocate institutional representation are trying to do away with the democratization of the Calcutta Corporation. The first and foremost consideration is that if we are going to democratize it, we must do away with all these institutional things. I find from the speech of the Hon'ble the Minister for Local Self-Government that he distinctly said that the object of giving 12 seats to those 3 bodies was simply to safeguard European interests. In his mind he had the thought of separate representations of interests which are most essential interests in the Calcutta Corporation.

Another objection, which appears on the face of it, to the curtailment of the number of European seats is this: I have come to learn this from some reliable source, because I was never in the Corporation—that 9 Europeans used to be returned from these 3 bodies and then some 2 or 3 used to be nominated by Government. That would bring the figure up to 12 and I think that is the principle on which the number has been allotted. When you are now increasing the number of the Commissioners, is it reasonable that you should ask that the number of seats be reduced by two? When the number of seats was 50, 9 Europeans used to be returned from these 3 bodies and then 2 or 3 used to be nominated. Therefore, is it proper that you should try to decrease the number of European seats when you are increasing the total number of Commissioners? It seems to me that such an argument is only advanced in order to take away some seats which have been reserved for certain interests in order that other interests might get the benefit of it. It is one of the essential principles of self-government that justice must be done to all communities and interests. Is it justice to say that the European element should be decreased in order that the Hindu element should be increased? My idea is that the institutional representation through the Bengal National Chamber of Commerce, the Marwari Association, and the University of Calcutta means simply an increase in

the seats for the Hindus. Do my friends seriously think that their interest is the only predominant interest, and has no other community got any interest to be looked after? Is it fair and is it just that some seats should be taken away from the Europeans and given to the Hindus rather by the back door? I call it "back door" because, to my mind, no Muhammadan or European will have any chance of being returned through these special institutions. With these observations I oppose all the amendments.

Dr. JATINDRA NATH MOITRA: I endorse every word that has fallen from the lips of my friend, Dr. Pramathanath Banerjea, so far as the claim of the Calcutta University is concerned. It is no longer simply an examining body. I may say that it is a seat of learning that is second to none in the whole of the Indian Empire, and, as such, it should receive due and adequate recognition at the hands of the Corporation of Calcutta. I regret I have not been able to accept the argument of my friend, Rai Dr. Haridhan Dutt Bahadur, when he says that high education is not the concern of the Corporation. My friend perhaps forgets that high education is the only education which makes the children of the soil fit for the daily struggle for existence, and it is the only education which enables them to find a place of honour and dignity side by side with other countries in the world. My friend, Dr. Dutt, being a democrat, will only consider the claims of quantity and quality has no place in his estimation. I would like to put one question to my friend who is a well known medical man in this city. Suppose there is an outbreak of cholera in Ward No. 9, which my friend represents, will he be satisfied by remedies suggested by people such as couchmen, syces, bhistiwallah, kuppiwallah, and so forth, or be guided by the opinion of the Health Officer of the Calcutta Corporation or the Director of Public Health of the Government of Bengal. This is a beautiful conception of democracy, democracy which has a body but not brain. Sir, I am, however, opposed to taking away seats which have already been reserved for different communities in the new Municipal Bill. I would like to add a few more seats and I think that the addition of one or two seats here and there will not make matters worse so far as Calcutta is concerned, and I appeal to our esteemed and Hon'ble the Minister, Sir Surendra Nath Banerjea, who has spent upwards of 40 years of his life in education, in teaching work, who knows the disadvantages and difficulties experienced by those who manage big educational institutions—I appeal to him to consider the claims of the Calcutta University and to reserve two seats for it on the Calcutta Corporation.

Mr. D. C. GHOSE: Now that a special communal representation for Muhammadans has been adopted in this Council, it is safe for Mr. Syed Nasim Ali to pose as the apostle of democracy (Hear, hear), and to declare that he is opposed to the separate representation of the Calcutta University, the Bengal National Chamber of Commerce, and the Marwari

Association on the Calcutta Corporation because such representation, in his valued opinion, conflicts with the principles of proper democratic representation. (Hear, hear.) However, Sir, I agree with him in thinking that these amendments should be rejected. Sir, I am opposed to these amendments because I am of opinion that there ought not to be any extension of the principle of institutional representation on the Corporation of Calcutta. It is true, perfectly true, that the Bengal Chamber of Commerce and the Trades Association have their separate representation on the Calcutta Corporation, but they have enjoyed such representation for years and we do not want to interfere with it. But there should be no further extension of the institutional representation on the Calcutta Corporation. If the members of the Calcutta University, the members of the Bengal National Chamber and the members of the Marwari Association aspire to be members of the Corporation, then they must come through the general electorate. They must not get an easy passport to the Corporation through separate and institutional representation.

Maulvi EKRAMUL HUQ: I rise to oppose all the amendments. The sum and substance of Dr. Banerjea's proposal is that a few seats should be cut down from the European constituency and tacked on to the Hindu constituency. When Mr. Syed Nasim Ali was speaking of this, some one questioned this fact. I think it will not be necessary for me to say, that this is what will actually happen, if we are to judge from our experience in the past. Formerly, the Calcutta Corporation was to return both the Hindus and the Muhammadans, but Muhammadans were seldom or never returned to it. In this case also, if institutional representation be given to these bodies, the Bengal National Chamber of Commerce, and the Calcutta University, will seldom or never return any person other than a Hindu and the Marwari constituency will be a purely Hindu constituency.

It may be said, as has been said by my friend, Dr. J. N. Mottra, that if you are to add a few more seats, it will make no difference. The Persian saying: *Cho ab uz sar gozasht che ek naiza che dah naiza*, which means "when the water has gone beyond your head, what matters it if you are under 10 feet or 10 fathoms," points to the same end. Let us remember that even if Muhammadan and European members happen to combine, they will not be able to resist the wishes of the dominant community, namely, the Hindu, and I am quite sure that in spite of the combined resistance of those two communities in many matters vitally affecting their interests, the Hindu community will, if it so desires, be able to carry out any project which it may have in view. But, Sir, in this darkness there is a gleam of hope, and we feel certain that among the members of the Hindu community there may be found persons who will not like to see an injustice perpetrated on communities in a minority. After some time when our outlook has broadened and we are able to respect and regard the other communities in the same way as if they were our own, then if

you cut down a few seats from this constituency or that, it will not matter much; but, Sir, for the present, it will not be wise and proper to increase the number of Hindu seats any more.

Babu DEBI PROSAD KHAITAN: In framing a constitution for the Corporation of Calcutta, one has to take care to see that such a constitution is framed as would be best able to carry out the objects of the Calcutta Municipal Bill. It is known certainly to this House that several matters relating to trade and industries everyday crop up for decision by the Calcutta Corporation. It is often said that the functions of the Calcutta Corporation are exhausted by laying out roads, by furnishing lights, by laying out sewerage, and by providing for several amenities of a city life, and that there are no other functions of a municipality. Such an argument may have been correct about 25 years ago, but during the last few years, all over the world, a movement has arisen whereby the municipalities of all the big cities throughout the world are expected to help and facilitate the progress and improvement of trade and industries; for instance, I may cite the example of the existence of Factories Sub-Committee and the License Appeal Sub-Committee in the Corporation. Section 379 of the Calcutta Municipal Bill provides:—

> No person shall, without the previous written permission of the Corporation, newly establish in any premises or materially alter, enlarge or extend, any factory or workshop or work place in which it is intended to employ steam, electricity, water or other mechanical power.

Then, there are other sections of the Calcutta Municipal Bill which may be cited to show how industries are controlled in many ways by the Calcutta Corporation. Then, Sir, a new power has been taken in section 467A, which gives the Corporation special powers for the promotion of technical and industrial education. This new power has been given to the Corporation in recognition of the supreme necessity for the Corporation to help the economic prosperity of the country. Only the other day, an Unemployment Committee was appointed by this Council to deal with the question of unemployment and from the speeches delivered on that occasion I find that everybody recognized that the only solution for the miserable condition of unemployment, which exists not only in Calcutta but throughout Bengal, was the promotion of trade and industries, because on account of retrenchment and the necessity for retrenchment, posts cannot be multiplied either in the Government, the municipalities or in the district boards and local boards. This being the work that lies before the Corporation, it is up to this House to see that the constitution which is framed for the Calcutta Corporation ensures the inclusion of such persons as will be able to give the best possible advice on all these allied questions. It is said that through the general constituencies Indian merchants and traders can come into the Calcutta Cor-

Dhone Addy are cited in support of that argument. So far as the Raja Sahib is concerned, it is perhaps known to everybody that he comes not through the general electorate but as a representative of the Calcutta Port Trust; and so far as Babu Amulya Dhone Addy is concerned, who knows that when the franchise is further extended to the payment of Rs. 12, when plural voting disappears, he will be returned—I hope he will be returned but there is no certainty. As I have said, the constitution should be so framed that it may ensure the representatives of Indian trade, commerce, and industries finding a place in the Calcutta Corporation, and such merchants and industrialists who may be able to give their best advice in the matter. When the question of institutional representation was being discussed in the Calcutta Corporation, it was said that the European community should be given institutional representation because as businessmen they could not find the time to approach the electors, to collect the votes and to get returned. The same remarks apply equally to the merchants and industrialists of the Indian community; and in the same manner as the European merchants cannot devote their whole day away from their business, so the Indian merchants cannot devote their whole days and nights collecting the votes away from their business. If the Bengal National Chamber of Commerce and the Marwari Association are given two representatives each, the presence of *bona fide* and good businessmen will be ensured in the Corporation. Thus, we may see, in which way lies the balance of convenience. It may be said that it is not desirable to increase the number of councillors from 90 to 94. Sir, if a body of 94 councillors be an unwieldy body, I fear that the body of 90 councillors would be an equally unwieldy body. Therefore, if a body of 90 persons has been considered to be a businesslike body, it makes no difference whatever so far as its businesslike capacity is concerned if the number is increased from 90 to 94. It is a great mistake to allot seats after fixing the maximum number of seats. The result of that is that important bodies and important institutions do not get their necessary seats in the Corporation. The best way of doing this is to find out what are the interests which require necessary representation in this body; looking at this question from that point of view, perhaps it cannot be denied that the Bengal National Chamber of Commerce and the Marwari Association deserve no less than any other body to be represented on the Calcutta Corporation. One word more for the Marwari Association in particular. It has been said that when Lord Sinha's Bill was introduced it provided two seats for the Marwari Association in recognition of the fact that it represented a community in minority. Though the total number of seats Marwaris are entitled to are one-ninth of the whole they are in a hopeless minority in that ward. It was also intended to ensure the return of Indian merchants on the Calcutta Corporation. When the proposal went to the Calcutta Corporation for consideration, they thought that although two seats might not be given to the Marwari

the general electorate. This time the Committee appointed to consider this question of earmaking, also recommended to the Calcutta Corporation that four seats should be earmarked for the Marwari community, in the present Bill. When the matter came before the Calcutta Corporation for consideration——

Mr. PRESIDENT: I think we have had all this before, about four members representing the Marwari community. I think I have heard all this before this afternoon.

Babu DEBI PROSAD KHAITAN: But, Sir, I do not remember having said all this before——

Mr. PRESIDENT: Yes, I remember it.

Babu DEBI PROSAD KHAITAN: I am sorry, I thought I had not said it. With thess words, I support amendment No. 703 moved by Babu Amulya Dhone Addy.

Babu JATINDRA NATH BASU: Calcutta is a growing city, and we should provide in this Bill that all the elements in the population of the city that are interested in the growth of the city should be associated with the Corporation. We have provided in the Bill for the due representation of the European mercantile community. I do not want to take away from that representation; I therefore oppose amendment No. 701. But having regard to the important mercantile interests that Indian merchants have in Calcutta and having regard to the large areas of marts, trading places, and warehouses in Hatkhola, Ultadinghi, Paturiaghatta, and other places, and the large mill areas consisting of oil-mills in Maniktala and Nandanbagan, and rice-mills in Chetla and other places, it is necessary that they should have some special representation, because otherwise they will not be in a position to assist the Corporation with the kind of special advice that will be necessary for dealing with these areas. I therefore support amendments Nos. 704 and 706.

Mr. Ghose says that these Indian merchants may come in through the general electorates, but the locality in which these merchants have their business houses have been given a very meagre representation, and in one particular locality to the surprise of all, you have suddenly and without any notice decreased the number of representatives from 2 as in the Report of the Select Committee to 1, namely, in the locality extending from Bagbazar right up to Nimtolla which is one of the most congested areas, and where the jute market and other markets of Calcutta are situate; if you reduce the number of representatives of the Indian business localities from 3 to 1, the Indian merchants will have very little chance of getting into the Corporation through that constituency. It

Mr. F. E. E. VILLIERS: I wish to oppose the amendment of Babu Amulya Dhone Addy and do so on precisely the same grounds as I opposed the extension of communal representation in the previous amendments. Yesterday my Hindu friends spent a great deal of the afternoon in trying to persuade the Muhammadan section of the House that the extension of the communal system was a bad thing, and that on high ethical grounds the extension of the system should not be countenanced. What do we find to-day? We find to-day that the very system that they condemned yesterday, and the very gentlemen who were antagonistic to it yesterday, have become its protagonists to-day. This afternoon my Hindu friends have spent a great deal of time and energy and adduced a great many arguments against the Muhammadan section of the community getting any further number of seats than the fair number which falls to their lot on the *pro rata* basis; and indeed, if I remember aright, I heard certain titters on the other side of the House when I pointed out what seemed to my mind to be an inconsistency on the part of my Muhammadan friends in their attitude of yesterday and that of to-day. But I find precisely the same inconsistency in my Hindu friends now. The whole principle of communal representation we hold to be a bad one—and is threatening, like the drink habit, to get a hold on us—and if we are not very careful we shall end by becoming communal dipsomaniacs. I therefore oppose this amendment.

Babu SURENDRA NATH MALLIK: What I did before I do now, and that is, what I did in my capacity as an ordinary member of the House representing my constituency, I do the same over again on behalf of my constituency as well as the Corporation of Calcutta. I am against communal, institutional, or corner representation in every shape or form. I am personally speaking against the representation of the Chamber of Commerce and the Trades Association also. I may frankly say that no man has received such a large amount of assistance as I—I mean in the work of the Corporation—have received from the European members who have come through these institutions. I am very much indebted to them, but that is no justification why this communal representation should be there. I am opposed to it, but on the grounds of expediency the Calcutta Corporation have accepted it. It is there since 1876; it is there not because it is the Chamber of Commerce or the corner interest which it represents, but because in 1876 it was found that that was the best way of getting Europeans to join the Corporation and assist them in the work of the city. That is the reason it came into existence, and having established its own reputation it is going on still. That is the whole question. I am therefore opposed to all sorts of communal, institutional, or corner representation. Individually I am still against them. My impression is that on account of this Chamber and Trades Association representation you do not allow very good Europeans, who would otherwise come to the Corporation through election, to come at all. There

are many lawyers, doctors, and engineers, but the door is not open to them; that is not proper. But because it is expedient, the Corporation has stuck to it to-day. But is that any reason why I should be a party to extending it? I am against the whole thing. I only wish that the thing should disappear, rather than add to it. That is the position. Now let us consider the Bengal Chamber of Commerce and the Trades Association. Is it at all difficult for the members of the Chamber to come through the general electorate? They are here, they can easily come to the Corporation through that. In the case of the European representatives of the Chamber and the Trades Association, there is one thing to be said, and it is of consequence. It is that these gentlemen often leave the country and when they come back they live outside the city, and the result is that they have to come in through a by-election; this is a waste of time and causes expenditure of energy and money and all that. This is the advantage of corner representation. But in your case there is no difficulty. My friend, Mr. Amulya Dhone Addy, stood last time against me in South Calcutta. He came from South Calcutta as well as from the Bengal National Chamber of Commerce, they are always trying to get two strings to their bow. Why do you do that? I do not think there is any use doing that at all.

Then as regards the Mahajan Sabha; I have the greatest respect for it, although I do not know anything about it. I think if this Sabha is given votes, the Kabuli Association should also be given votes. I do not see any reason why they should not.

Then as regards the University. As there is every possibility of my being misunderstood, I most emphatically beg to say that I am against giving the University representation on the same ground, namely, that there should be no University representation; otherwise I think that it is a matter of privilege for the Corporation to be joined with the University, but that cannot be, because it is said that the University is a seat of learning. Surely enough the Bar Library is a seat of learning; why not give them? You may get the best of barristers and lawyers, and they will be most useful to the Corporation; they will be the best advisers to the Corporation. The University member can tell you why the sky is blue, and the sea water salt, and so on. A member of the University is not likely to be so useful as a member of the Bar Library who can come and give you useful help in matters of litigation and things of that kind. He can help us in the Corporation with his advice. The Corporation do not need to find out how far the sun is from the moon and how far the moon is from the earth; they do not want that. The sphere of the University is quite distinct. It has a glorious career, we do not want to drag it to the work of the Corporation, and mix it with silt and filth and sewage; we would like it to remain in academic repose. What has the University to do with matters of drainage and sewage which are the concerns of the Corporation? Nothing at all. We respect them too

much, and I feel if there is any institution which ought to be represented in the Corporation it is the Bar Library. They would save me a lot of money, and enable me to get rid of my friend here—[here the speaker pointed to the Corporation's Solicitor]—the Corporation are paying him Rs. 1,700 a month. I would get their advice——

Mr. D. C. GHOSE: But there is no gratis advice from the Bar Library.

Babu SURENDRA NATH MALLIK: Mr. Ghose is right; there is no gratis advice from the Bar Library; the money-making instinct of many members of the Bar Library is a recent thing; it used not to be there; it is of recent date. This matter of University representation was considered by the Corporation; they were opposed to it; it was also brought up by some members in the Select Committee and there also they saw no reason for it. I am opposed to the creation of pocket boroughs. You have 1,600 people to elect one commissioner in a ward. If you give it to the National Chamber of Commerce consisting of about 200 people; it will be confined to two or three families. [A voice: Question.] The answer is that it is true. Three-fourths of the members of that Chamber belong to three families and the men are elected from among them and take their seats. That is the answer I make. Therefore, being opposed to all these things, I am opposed to the question before the House. As I have already said, I accept the argument, the very clear and specious argument of Rai Dr. Haridhan Dutt Bahadur. I would have taken slightly more time if I had Mr. Syed Nasim Ali's knowledge of political philosophy, so that I could lay down his fine principles of local self-government, but I shall not take up the time of the Council any longer. I am opposed to all manner of communal representation, be it communal, institutional or corner, or from the Chamber, Trades Association or Port Commissioners. That being so and that being the view of the Corporation which I have the honour to represent, I am bound to oppose.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I must oppose these motions. I must say that I am surprised to find, and I repeat this complaint because I made it once before, my friend, Dr. Pramathanath Banerjea, should be associated with this motion. Dr. Banerjea, as far as I have been able to understand his political views, is a thorough-going democrat, but he has surprised us by his peculiar views about democratic Government. Here he has come with a most undemocratic resolution, namely, the extension of institutional constituencies. While we are democratising the constitution of the Corporation of Calcutta, he wants to undemocratise that institution by introducing a system which will involve the extension of institutional constituencies in this city. I am sure my friend could not have devoted very serious thought to this motion; he must have acted on the impulse of the moment.

There are two motions, one by Dr. Banerjea and the other by Babu Amulya Dhone Addy. Both run on the same lines, but there is an essential difference between the two. Babu Amulya Dhone Addy has a somewhat long political life, and his interests are centred in the Corporation. He does not want any reduction of the number of members returned by the Bengal Chamber of Commerce or the Trades Association, but he executes a dexterous flank movement in order to support his motion. He says "add to the number of members of the Corporation." We have fixed 90; he wants to add 4 more and make it 94. I object to that. In the first place, I understand that the Corporation would be embarrassed if we made that addition for want of space, and then there is no occasion for adding to the number of members unless a clear case has been made out; no necessity exists for this. Therefore we must dismiss his motion as one which Government cannot accept.

As regards the motion of my friend over there, he wants to reduce the number of members representing the European trade and commercial interests. I object to this. As a matter of fact, the proportion has been reduced. When the Corporation consisted of 50 members, they had 10; the Corporation will now consist of 90, they have got 12; therefore, the proportion has been considerably lowered. But my friend is not satisfied with that. He wants a still further reduction of members of these bodies.

My friend, Rai Dr. Haridhan Dutt Bahadur, has paid a glowing tribute to the useful and substantial work which the representatives of the Chamber of Commerce, the Trades Association, and the Port Commissioners have rendered to the Corporation. I believe that this is the feeling of every member of the Corporation, and not only that, I feel the more we are in association with European representatives in our public work, the better it is for ourselves and the country at large. I should therefore very much regret taking any step, the result of which would be to reduce the volume of association which we are at present carrying on with our European friends. But, Sir, I am entirely in sympathy with the observations which have fallen from my friend, Mr. Syed Nasim Ali, and also my friend, Babu Surendra Nath Mallik, that there should be no expansion of these institutional constituencies. I look forward to a day when, with a growing co-operation of the different elements of our somewhat heterogeneous community, all these different institutions will disappear, and our interests will be merged in a general electorate which will be representative of the whole community. I look forward to that day and we cannot work for its realization if we go on adding to the number of these institutional constituencies. Therefore, the Government will not be any party to the extension of this system. I therefore oppose the motion of Babu Amulya Dhone Addy. He says that in the interests of Indian tradesmen and commercial men, this recommendation should be accepted; but surely Indian merchants, Indian gentlemen associated with trade, with their enormous influence, local and financial,

can come into the Corporation through the general electorate, and why should they not brush shoulders with the humbler citizens of Calcutta when we are democratizing the constitution of the Corporation? I hope and trust that this recommendation will not be accepted by the House.

One word about the University. I have often heard the complaint incidental to my long public career—I am from time to time confronted with observations which I made a quarter of a century ago, and my friend has done me the honour of quoting what I said in the year 1899. I think he was then very young. Well, I have grown old since then and have had to revise some of the ideas which perhaps represented the impulses of youth, and with the advance of years I have become more and more democratic. The University of Calcutta is an institutional constituency; it is my *alma mater;* I was brought up within its walls. With all the profound respect which I feel for my mother university, I must dissent from the view that it should be represented on the Corporation; it must come under the axe, not the axe of retrenchment that Mr. Mallik has wielded with such terrific ruthlessness, but it must come under the axe, in the sense that there shall be no expansion of these institutional constituencies and, therefore, I am unable to accept the recommendation that the University of Calcutta should be represented on the Corporation. I oppose the amendments and trust the House will not accept them.

The motion standing in the name of Dr. Pramathanath Banerjea was then put and lost.

The motion standing in the name of Babu Amulya Dhone Addy was then put and lost.

The motions standing in the names of Babu Jogendra Nath Roy, Raja Reshee Case Law, and Babu Amulya Dhone Addy were then put and a division taken in the Chamber.

The Ayes being 8 and the Noes 31, the amendments were lost.

The motion that Schedule III as amended be adopted was then put and agreed to.

The motion standing in the name of the Hon'ble Sir Surendra Nath Banerjea that for the words "sixty-seven" in clause (*a*) of section 5, the words "seventy-five" be substituted, was then put and agreed to.

Mr. S. Mahboob Aley being absent, the following motion standing in his name was deemed to be withdrawn:—

"That for clause 5 the following be substituted, namely:—

'5. The Corporation shall consist of—

(*a*) sixty-nine elected Councillors,

(*b*) ten Councillors to be appointed by the Local Government, of which two shall be from the residents of the area which formed the Maniktala municipality before the commencement of this Act, and

(*c*) seven Aldermen to be elected by the Councillors in the manner provided in section 8, of which two shall be from the residents of the area which formed the Maniktala municipality before the commencement of this Act,

and shall, by the name of "the Corporation of Calcutta," be a body corporate and have perpetual succession and a common seal, and may by such name sue and be sued.' "

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 21st February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 21st February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 83 nominated and elected members.

Government Bill.

The Calcutta Municipal Bill, 1921.

CLAUSE 5.

Dr. PRAMATHANATH BANERJEA: I move that in clause 5 and wherever the word occurs in the Bill, for the word "Councillors" the word "Commissioners" be substituted.

The term "Commissioner" is a well-understood one. It has been used for many years—I believe, ever since the creation of the Calcutta Corporation. The original object of the change was to follow the Bombay precedent and to confine the use of the word "Commissioner" to the "Chief Executive Officer" of the Corporation and to designate the members of the Corporation by the name of 'Councillors.' But this idea is now changed. The Chief Executive Officer is no longer to be designated as the Commissioner as in Bombay. Now, Sir, I submit that if the word "Councillor" is substituted for the word "Commissioner," there will be a great deal of confusion. Members of this Council are known as Councillors, and at the time of election, it will be difficult for voters in the municipal constituency, most of whom are also voters in the Council constituency, to distinguish between two kinds of candidates. The distinction between municipal councillors and legislative councillors would not be very clear to the ordinary voter. Perhaps another reason which prompted the use of the word "Councillor" in place of the word "Commissioner" was to follow the system which prevailed in London. In the metropolis of England a member of the municipal body—is known as a Councillor, but there the body itself is known by the name of Council. Here the municipal body is to be known as the Calcutta Corporation and therefore

there is no sense in changing the word "Commissioner" into "Councillor."

I submit Sir, that the term "Commissioner" is a well-understood practice and should be retained, and that no change is therefore necessary.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): I think it will simplify discussion if I were to get up at once and say what I have got to say in this connection. I oppose this amendment and there is a very substantial reason for using the word "Councillor" instead of the word "Commissioner." The word "Commissioner" has an executive sense; for instance, we use the word "Commissioner" of Excise, and so on, that is to say, the word suggests an executive capacity which does not belong to municipal commissioners. Then, further, this is the word that is used, as my hon'ble friend has pointed out, in London and again in Bombay. There is no reason why we should not make a change if the change is thought desirable. The matter is very trivial. I do not know that this amendment is at all necessary. Nobody will misunderstand it. Voters will know whom the vote is for, whether for the Municipality or for the Council. There will be no such confusion as my friend imagines in connection with the voting. Voters will know their business and, what is more, the canvassers of the various candidates will correct them if they are likely to err and they will know what to do in connection with their votes. I feel it my duty to oppose the amendment and I trust the Council will accept this view.

The motion was put and lost.

Dr. PRAMATHANATH BANERJEA: I move that in line 1 of clause 5(*b*), for the word "eight" the word "five" be substituted.

My proposal is to reduce the number of nominated commissioners of the Corporation. Sir, the system of nomination is opposed to the first principle of democracy. The only ground on which such a system can be defended is that by this means the minority may secure some representation on our public bodies. Now, Sir, as the most important minority in Calcutta, viz., the Muhammadan community, is to be represented through communal electorates, and another important minority, viz., the European community, is also to obtain more than adequate representation through various public bodies, the need for retaining nominated seats has become less. Sir, the Hon'ble the Minister in charge of Local Self-Government cannot be in love with the system of nomination. Who amongst us does not remember his angry denunciations of the principle? He is a democrat of democrats, and we had it from his own lips the other day that with his advanced years his love of democracy is steadily growing. Babu Surendra Nath Banerjea until

the other day was an agitator, and whenever he made any proposals he knocked his head against a dead wall. Now, Sir, in the year of grace 1923, he is a Minister and a Member of the Government of Bengal. He is now in a position to translate his ideas into action. Is it too much to hope that he will give effect to his democratic ideas by accepting this amendment?

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Before I call on Babu Nirode Behary Mullick to move his amendment No. 87, I desire to remind the Council that yesterday the following amendment was moved in this connection on behalf of Government:—

"That for the word 'eight' in sub-clause (b) of clause 5 the word 'ten' be substituted."

Babu NIRODE BEHARY MULLICK: I move that in clause 5(*b*)—(*1*) in line 1, for the word "eight" the word "ten" be substituted, and (*2*) in line 2, after the word "Government" the words "one of whom shall be nominated to represent the interests of the backward classes and another to represent the interests of labour," be inserted.

It has been said by several members of this Council that the Calcutta Municipal Bill represents an attempt to make the Corporation of Calcutta more democratic and representative in its character and constitution. With this laudable object, I, in common with others, strongly sympathise. But the question that I wish to raise is this: Can the Corporation be as representative as it ought to be without there being on this body some member to represent the interests of the backward and labouring classes? In order to satisfactorily answer this question, it is necessary to have an adequate idea of the numerical strength of the backward and labouring classes.

The backward classes in Calcutta comprise 20 castes and their number is 79,794. This is the figure given in the Census of Calcutta as taken in 1901. I tried to obtain a more recent copy of the Census, but I could not get it either in the Council Library or in the Imperial library. Knowing the increase of the members of these classes since then, the present figure will be about a lakh. The question therefore is: Will the Corporation be truly representative or democratic without there being the least semblance of representation of these classes on it?

It may be asked what are the interests of the backward classes that have got to be safeguarded on the Corporation? Before I come to an examination of this question, I wish to point out that from my standpoint, I do not consider this question to be a relevant one. If we are unanimous as to the purpose and aim of this Bill, which is to place the Corporation on a more democratic and representative basis, as we surely are, there can be no escape from the conclusion that these classes ought to have some sort of representation and that the purpose and aim of this

Bill cannot be adequately achieved without this representation. Moreover, it ought to be borne in mind that if representative forms of government or administration whether in civil, academic or administrative spheres are demanded, it is not because there is no other way of safeguarding the conflicting interests of different communities but because, rightly or wrongly, the civilized world have deliberately preferred to have their affairs administered by those whom they like. It may be that as a matter of fact, from the economic point of view and from the point of view of safeguarding the interests of different communities, a benevolent despot may be a better ruler or administrator than a host of councillors or commissioners. Any history of any land will bear out this fact. And if the ten millions of people who compose the backward classes of Bengal were adequately represented on this Council, I would have refused to answer the question as to what interests of the backward classes have got to be protected and would have finished by saying that the backward classes should have their representation on the democratically constituted Corporation, simply because others are having their representation and we must have ours. But none is more conscious than I am of the inadequacy of seats for these classes on this Council, and as such, such an attitude might jeopardize the interests of the backward classes. I shall not, therefore, adopt this attitude; I shall now proceed gladly to answer the question. What interests of the backward classes have got to be protected on the Corporation? I shall begin with an example. More than 150 years of British administration have rolled by. This is for the first time in the annals of British administration that a resolution purporting to the effect that a certain sum of money may be earmarked for the backward classes has been tabled in my name. Councillors and administrators have come and gone. Why was not there found some one to bring their grievances to the notice of the Government? What is true of this Council is equally true of the Calcutta Corporation. I have been told that out of the numerous posts at the disposal of the Calcutta Corporation, not a single one has ever been held or is held at present by any member of these classes. I do not, however, mean any reproach to the Councils that have gone or to the Calcutta Corporation. The reason is that it is not in human nature to be unusually anxious about the interests of others. The remedy lies in representation of some members of these classes, who occasionally bring to the notice of the Corporation the grievances from which they suffer.

Take another example. Some members of the backward classes have been nominated on the Corporation of Bombay, not to speak of the Madras Corporation where, as is known, the backward classes play a comparatively important part in the political field nowadays. Still the numerical importance of these classes in Bombay or Madras is much less than that of Bengal. In Bombay the backward classes number

three millions; in Madras six millions, in Bengal ten millions, and in Calcutta about a lakh. In spite of these figures nowhere in the many thousands of printed pages contained in several big volumes is any mention of the backward and labouring classes to be found. The only discussion pertaining to this topic is to be found in the book containing the proceedings of the Calcutta Corporation under clause (5), and I would have liked to put this discussion as evidence of the kind of interest taken by the city fathers in the backward and labouring classes. But time would not permit me to do so. Suffice it to say, that it is a piece of irresponsible proceedings and that even in a matter which concerns the interests of such a larger section of the people.

The necessity for political training has been put forth as an argument for seats on the Corporation. If this argument is genuine—and I do not say that it is not genuine—the claim of the backward classes for a seat on the Corporation is irresistible. And from this point of view, I think, it would not have been unfair on my part if I were to ask for five seats. But the sympathy of the city fathers in these classes as revealed in the proceedings of the Calcutta Corporation has made me more cautious and moderate, so cautious and moderate that at times I feel staggered at my own caution and moderation. Sir, I wish to touch here on a comparatively personal note. If the seats on the different deliberative bodies are asked for, it is not because these seats carry with them a certain amount of honour and privilege as might be the case with some, but because of the instinct of self-preservation. Gladly would we have retired from these bodies could we have convinced ourselves that our interests are safe in the hands of others. The experience handed down from generation to generation points, however, to the irresistible conclusion that even at a loss to our personal interest, these bodies must be joined.

I have asked for nomination by Government because, not being a permanent resident of Calcutta, I have not been able to give to the subject the amount of attention it deserves. In other words, I have not been able within the short time at my disposal to evolve an electorate. I know that nomination is in many cases worse than representation. Still I have acted on the principle—Something is better than nothing.

I have not dwelt at length on the question of the labouring classes, for I do not pretend to be thoroughly familiar with this question, and I shall not therefore rush in, especially when there are abler members on this Council who will do full justice to it. I shall, however, say this: At present every one who reads the newspapers knows that labourers without having any represenation on the different bodies take to undesirable associations, and these associations exploit them for their own purposes. Consequently if they find constitutional channels for expressing their views, it will be better both for them and also for the representative form of government.

None can feel more oppressed with a deep sense of insufficiency than I feel while occasionally I try to represent the interests of these millions of people. But somehow by a peculiar coincidence of circumstances, which I myself cannot explain, it has oftentimes fallen to my lot to preside over big meetings attended by thousands of men belonging to these classes in Dacca, Barisal, Khulna, Faridpur, and in Calcutta. I believe I know their mentality. They are not seekers after favouritism. They are straightforward classes and simply ask for the barest justice. The preamble of the Government of India Act, 1919, lays stress on the word co-operation as contained in the clause: "And whereas the action of Parliament in such matters must be guided by the co-operation received from those upon whom new opportunities of service will be conferred, etc." It is now for the Government and for the various sections of the House to consider whether they can, with a due sense of justice and responsibility and with an eye to the best interests of the province and of Calcutta, refuse them this simple and elementary right.

Babu HEM CHANDRA NASKER: I move that in clause 5(*b*), line 1, after the words "eight Councillors" the words of whom two shall be from the Maniktala municipal area" be inserted.

Maniktala municipality, as it is constituted at present, has been allotted five seats, out of which two seats are reserved for Muhammadans. I submit that this representation is inadequate, and I am afraid it will not be possible to induce the Calcutta commissioners to make an improvement in Maniktala. My suggestion is for safeguarding the interests of Maniktala, and I hope it will be accepted.

The following amendment standing in the name of Babu Rishindra Nath Sarkar was, by leave of the Council, withdrawn:—

> "That in clause 5(*b*), after the words 'local Government' the words 'of whom at least two must be engineers' be inserted."

Mr. KRISHNA CHANDRA RAY CHAUDHURI: I rise to accord my wholehearted support to Nirode Babu's amendment. The amendment, I must say, is a very modest one. All that it asks is that the Government should reserve two nominated seats, one to represent the depressed classes and the other to represent the working classes. In fact it is the logical conclusion of the Reform Act which has accepted the principle of nomination, for representation of these important classes not only in the local Legislative Council but also in the Assembly. What is this principle and how is its application essential to make the Calcutta Corporation a really representative and democratic body? It has nothing to do with institutional or communal principle for which my friends have been fighting for the last two or three days. The

principle is to give a chance to the large body of manual and industrial workers who maintain our civilized existence, to have a spokesman or two to press their claims before the Legislature and before the local Council. I do not want to waste the time of this Council by drawing a glowing picture of the supreme importance of labour representation. Labour can claim three Prime Ministers in the British Colonies, and the Labour Party in England is the alternative government of the day. The President of the German Republic is a labour man. In the East as in Japan, in the West as in America and Europe, in the North as in Russia, in the South as in Australia and New Zealand and South Africa, they have all recognized the force of what I call the industrial democracy. The principle, so far as India is concerned is that labour for some time to come cannot possibly get into the Corporation through the front door and therefore it must depend on crutches, viz., nomination. Labour representation in the local as well as our Central Legislative Council has, according to the testimony of American and British critics, achieved satisfactory results. With the help and expert advice of Labour Members in local as well as Central Councils the Government has been able to legislate on workmen's compensation, the Indian Mines Act, the amended Factory Act, with all the latest humanitarian principles for protection of labour embodied in these Acts.

Mr. PRESIDENT: All these are off the point. Whatever may be done by the Legislative Assembly with the help of labour has nothing whatever to do with labour representation in the Calcutta Corporation.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: Let us for a minute consider the utility of these Government nominations for ten seats on the Calcutta Corporation. The theory is that certain experts, either in health or engineering or housing or accounting as well as representatives of important minorities, *e.g.*, Anglo-Indians, Indian Christians, Marwaris, are to be introduced by nomination, but what has been the practice of successive Governments and the Government of the day? We find in the list of nominated members several Knights, Nawabs, Rajahs and that class of people, with the exception of a newspaper editor, or as only recently nominated, an accounting expert, a Marwari, and an Anglo-Indian. It is therefore necessary to tell the Government that we do not want representatives of property owners, bankers or capitalists, but we want experts. Why do we want to tie the hands of the Government as the amendment seeks? It is simply to tell the Government not to follow in the footsteps of its predecessors in the matter of nomination. My second reason for earmarking two seats for labour and depressed classes is that the Corporation has to deal with the public utility services of this great city. I mean the Calcutta Electric Supply Corporation, the Oriental Gas Company, the Bengal Telephone Company, and the notorious Calcutta Tramways Company.

I say notorious because Tramways Company has achieved a notoriety for bad handling of labour that no other public service company of Bengal can boast of. These companies enjoy a monopoly granted to them by the rate payers of Calcutta. They have in their employ a large body of workers. On the contentment of these workers depends the efficiency of the services that we all enjoy. If any set of these workmen refuse to work or down their tools to the city is paralysed, the civilized existence of this town is thrown out of gear. A single argument in connection with this should convince the members of the urgency of labour representation in the Corporation. Take, for example, the last Tramway strike. There was not a soul in the Corporation who knew anything about the causes that led to that strike, excepting what they read in newspapers. Even our worthy Chairman had to confess that he did not know the whereabouts of the Tramway Union. The strike could not be adequately discussed in the Corporation because no one had exact knowledge of the issues involved in that labour dispute. My third reason is that the Calcutta Corporation have hundreds of manual workers in their employ. We all know that efficiency of services, *e.g.*, water-supply, drainage and sanitation, depends a good deal on the contentment of the workers who, I am sorry to say, have been dubbed as menials. I was not present at the time when that was discussed in this Council. My fourth reason for earmarking seats for labour and the depressed and the poor classes is the housing problem of Calcutta. The housing of the working classes is a problem of very great importance. In every progressive country in the world, as for example in England, they have passed the Workmen's Housing Act at the instance of a labour Cabinet Minister, viz., Mr. John Burns, who was at the helm of the Local Government Board. To provide cheap sanitary dwellings for the working classes should be the foremost duty of the Corporation. Sir, I have done my best, with the help of the late Rai Bahadur Radha Charan Pal, Babu Amulya Dhone Addy, and our Acting Chairman, to make some important amendments to the Calcutta Municipal Bill in the Select Committee in regard to housing of the poor and working classes. I say that the Corporation will need the assistance of a labour representative to advise them on the subject. Then there is the question of workmen's education, and I cannot help expressing my deep debt of gratitude to our Acting Chairman for his genuine desire to promote this. There is the question of recreation grounds and parks for the benefit of workmen, their children and families. Beautiful parks and squares have cropped up and are being maintained for the benefit of people everywhere in Calcutta excepting where the working classes live.

Mr. PRESIDENT: It appears to me that the hon'ble member is making an excellent speech in favour of returning a labour member to the Calcutta Corporation. It does not seem to me that his remarks are quite pertinent to the matter under discussion.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: Something has to be done done to provide these for the benefit of the people living in insanitary dwellings. I have a fifth reason to urge on the ground of real democracy. In Calcutta we have a number of workmen's and employees' associations. They have their regular constitution. They meet reguarly, discuss problems affecting labour, and the management of affairs is strictly on democratic lines. The best of them, in the opinion of the public, the Government, and the press, is the Employees' Association, with a very large membership throughout Bengal and having a highly democratic constitution. It is not a one man, two men's or three men's show, as some of the Calcutta associations are. I say that the Government should depend on these bodies to find its nominee to represent the working classes, and I am confident that the men that will be recommended by these bodies, probably after election in their own association, will be the best men to rely upon. I say without fear of contradiction that a man selected from these bodies will be a far more popular man than many of those elected by general electorates.

One word more and I have done. Some people say that it is all very fine to have nominees for labour in the Council or the Corporation. Labour is dumb, and how can we get a real labour man and that kind of thing? My reply to them is this, that they have never troubled to read the history of the labour movements of the world. Labour in its infant stage of organization had to depend in the past of men who were outside the ranks, to push the cause of labour. For example, Robert Owen, one of the pioneers of the British labour movement, was a great manufacturer. Karl Marx, the founder of social democracy and a pioneer of the German labour movement, was the son of a great lawyer and himself a scholar in philosophy and history. Lassalle, the great German labour leader, was a merchant. In Japan the labour movement was inaugurated about fifteen years ago by journalists, merchants and lawyers. In India, Mr. C. F. Andrews, a great Christian Socialist, a humanitarian, and a *chela* of the Poet, is now recognized by the Nationalists, the Capitalists, and the Labourities as an authority on labour. Mr. Joshi, the nominated member in the Assembly, is not a manual worker himself and yet a recognized labour man for all India. I appeal to the Hon'ble Minister, an apostle of Indian democracy, not to oppose this motion, which is meant to quicken the process of democratization. I appeal to the Chairman of the Calcutta Corporation, Mr. Mallik, not to oppose it. It will be inconsistent with his great principle that every man should have a chance if he opposes this motion. It will be inconsistent with his principle of protecting the poor against the injustice of the rich to oppose this motion. Lastly I appeal to the democratic members of the Corporation to support this amendment.

Maulvi YAKUINUDDIN AHMED: In these democratic days when the dumb millions are represented in Councils, the representation of the

labouring classes and of the depressed classes on the Corporation is a necessity. I think, as we have already given representation to the genuine Muhammadans and as we have given representation to the women, it is only a necessary corollary that we give representation also to the labouring classes and to the depressed classes. They want one representative from the labouring class and one representative from the depressed class. It is a modest demand which you should accede to. I think the inconveniences and the grievances of the labouring and depressed classes require ventilation in the Corporation of Calcutta, and therefore I think that the Council would do well to consider their claim, which is a legitimate one.

With these words I support the motion.

Mr. J. CAMPBELL FORRESTER: I am in entire sympathy with this resolution, especially that part of it which relates to the poor. I think that representation should be given to the backward classes. These poor people are inarticulate and have few friends to speak for them. The poor unfortunates are here, part of the universe. They did not, at their own request, ask to be part of the universe. They have not violently intruded themselves against your will. Therefore it behoves us to try to make them moderately comfortable and free from positive suffering and trial. They need all the help they can get to further this end. They want a sympathetic representative—one who will take up their cause and fight for them—one who understands their conditions and needs. I do not think this is so much of a case for a democratic election, as it is in choosing the right person to help these poor people to climb the ladder a little higher. They have not got the kind of brain that can try to be what we think they ought to be. They are the victims of cruel fate. These backward people require all the sympathy and help that their more favoured brethren can give. Most of us have at one time known a friend whose counsel, conversation or example has affected the entire current of thought and frequently changed the direction of our lives, and that is why in this case I would prefer two representatives who have a special gift in this way being appointed, for those who appoint them will have opportunities of judging better than this uneducated and poor electorate could do for themselves. If two members cannot be appointed, I trust at least one can.

Mr. D. J. COHEN: I support the amendment moved by the Hon'ble the Minister and oppose the one moved by Dr. Pramathanath Banerjea. At the present moment out of 50 commissioners Government have the power to nominate 15, or 30 per cent. If we accept the amendment moved by the Hon'ble the Minister, Government will only have the power to nominate 10 out of 90 seats, or roughly, one-third, in proportion, of the number they at present nominate. Is that too much?

Dr. Banerjea admits that minorities have to be represented, and he has in mind only the Muhammadan and the European communities. Are there no other important minorities to be considered? How about the Anglo-Indian community? Government have in recent years been appointing a member thereof to the Corporation. How about the Marwari community, if no member of that particular community can find his way there by election? How about the Indian Christian community? The Hon'ble the Minister some time ago nominated the Revd. Mr. B. A. Nag to represent that community. How about the Jewish community—a community which, though not very large in numbers, pays comparatively—and the Chairman must admit it—a considerable sum in rates and taxes to the coffers of the Corporation? If we were to consider the claims of these various communities, if we were also to consider the other claims that Government have got to preserve, I think 10 instead of being a large number is a small one. The Chairman of the Improvement Trust must of necessity be nominated to the Corporation just as the Chairman of the Corporation must of necessity be nominated to the Improvement Trust. Each of them has got to know the working of the sister body, and also to know the improvements that are contemplated by each body. Then how about an expert accountant? Two months back the Hon'ble the Minister nominated an expert accountant, and no one can deny that he will of necessity make a very useful member. Previously we had Babu Nilambar Mukherjee, the Vice-Chairman, who was an expert in this direction. After he left the Corporation the Deputy Chairman or the Vice-Chairman who took up that duty knew very little of accounts, and the advantage to be gained by having a commissioner with experience in accountancy cannot be denied by anyone.

Then, Sir, we come now to the other two amendments. I will first of all refer to that moved by Babu Hem Chandra Nasker. I do not think he is serious when he suggests that Government ought to be tied down to nominate two men out of the representatives of Maniktala. Why should that be so? What particular interests would they represent? The mover could not adduce any reason for his proposal.

I also oppose the amendment moved by Babu Nirode Behary Mullick, but for a different reason. I do not think he has made out any case so far as the depressed classes are concerned. His one cry is that he does not find a single member of his community who has got an appointment under the Corporation. How does he know that? Does he know every member of the Corporation staff? And even if it were correct, is that a sufficient justification for Government to nominate a member of that class? If Government does nominate a member, will he be able out of 90 people to act as a saviour of his community in the matter of appointments in the Corporation? So far as the second part of that amendment is concerned, I am in entire sympathy with it, because I am of opinion that labour ought to be represented, though I do not

agree that we ought to tie the hands of Government down in this matter. Mr. Krishna Chandra Ray Chaudhuri has explained the reasons why there should be a labour member on the Corporation, and for these reasons, although, as I have said, I would not like to tie the hands of Government, I think it would be wise on the part of Government to nominate a member on the Corporation who will be a representative of labour interests.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I support the amendment so ably moved by Babu Nirode Behary Mullick. What is the object of reserving certain seats for nomination? The object certainly is to enable Government to send in some expert members to represent the interests of Government as also to enable Government to represent classes who have no chance of getting into the Municipal Board by the ordinary process of going through the election system. Now let us see whether the classes for which my friend pleads in this Council have any chance of being returned by the ordinary course, that is, by election. In the first place, the voting qualification of the Calcutta Municipality is very high, and I think none of the depressed classes will have that standard and will not have a chance of voting for this municipality. Then again the labourers. They also stand on the same footing: they fall far below the qualification for voting. The municipality has to deal with matters affecting the interests of the depressed classes as well as the labourers. When these people have no chance of getting into the Municipal Board by the ordinary process of election, it is only desirable that Government should nominate some members from amongst them who will speak for them, so that they may have a voice in municipal matters.

With these words I support the amendment of Babu Nirode Behary Mullick.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Some clearing of confused ideas is necessary. Mr. Krishna Chandra Ray Chaudhuri cites examples of all countries and says labour members should be nominated. Where has he found this? It may be a good reason to say that labourers should have a right to vote, but that is not his motion; his motion is not that labourers should have a right to vote, but that they should be nominated. Where has he found that? In no country of the world is this the case. Now, Sir, the voting qualification has been sufficiently reduced from Rs. 24 to Rs. 12. Does he want a more democratic principle? Does he know that 80 per cent. of the population of Calcutta are labourers—80 per cent. of the population of Calcutta who will be entitled to vote would be of the lower classes? As a matter of fact, we shall be nowhere so far as the voting capacity is concerned.

The next question is the depressed classes. Who are the depressed classes? Does he know that the most influential—the richest— families in Calcutta belong to classes not higher in social status than my friend? Whom does he call depressed classes? Now, Sir, there are surely the masons, *mehtars*, sweepers, and others; but the labourers will refuse to be classed as depressed classes. Men from the United Provinces and Bihar, the Kahars and other people who work here, the lower classes of Muhammadans and others will refuse to be considered as depressed classes. Anybody who has some knowledge of Calcutta knows perfectly well that nobody here will agree to be classed among the depressed classes and have a special seat by nomination. Sir, I shall have to speak more on this matter later on. Democracy with a vengeance—it is not democracy. Nowhere will you find it. We are having everything new and novel.

As regards the number of seats, I should have been prepared to support Dr. Pramathanath Banerjea, that is to say, the number of seats should be reduced, but having regard to the claims made by the various parties, the depressed classes, the labourers, the Indian Christians, the Jews and others, I think the original proposal is reasonable enough.

Rai Dr. HARIDHAN DUTT Bahadur: I wish to make a few remarks on the two amendments now before us. Coming to my friend, Dr. Banerjea's proposal to reduce the number of nominated seats from eight to five, I should only point out that there must be some fairness in politics. In the Corporation as existing, out of 50 seats 15 are allotted to nominated members. The proportion is three-tenths. We are now going to increase the number of the members of the Corporation to 90, and 75 of them will be elected councillors and five aldermen, and we have reserved 10 seats for nominated members. That means we have given them a proportion of one-ninth. From three-tenths it has come down to one-ninth. So I would once more point out to my friend, Dr. Banerjea, that we must be prepared to be fair even in politics. Then we have to remember that these nominated seats are meant for Government officials, specialists, and experts as well as for the representative of other minorities. As at present constituted, the Calcutta Improvement Trust has no seat on the Corporation. During the last 11 years i.e., since the Improvement Trust came into existence, the President of that Board had been returned to the Corporation by nomination. This arrangement must continue. So one of the seats at the disposal of Government must always be kept reserved for the President of the the Calcutta Improvement Trust. That reduces the number of seats from ten to nine. My friend, Mr. Cohen, has already pointed out that now that we have provided for the Muhammadans, the other minorities have also to be looked after, and that the Indian Christian community, the Jewish community, the Parsi community, and the Marwari communtty may well claim some attention from the Government. Then, Sir, there are the engineers and experts in municipal matters

whose services are sought in the Corporation but cannot be easily had. We must make some provision for that class of members. Then, Sir, it is desirable that some of the officials of Government should be associated with the Corporation, and that can only be done by nomination. Therefore, I hope that my friend after hearing all this will find his way to withdraw his motion.

Coming to the amendment of Babu Nirode Behary Mullick, I can well see the desire of my friend to secure seats for the backward classes and for the labourers on the Corporation, but the way in which he wants to do that is certainly objectionable. I for myself will have nothing to do with what is known as communal representation. My friend, Mr. Krishna Chandra Ray Chaudhuri, in his enthusiasm for labour representation, has made a long speech referring to irrelevant things which have practically nothing to do with the proposal before us. He has spoken about the claims of those people for seats on the Legislature. I do not know what he meant.

Mr. PRESIDENT: I ruled that out, Dr. Dutt, and you need not dilate on it.

Rai Dr. HARIDHAN DUTT Bahadur. Then he said that the labour leader should be there. I can tell him that whoever may be the labour leader on the Corporation, he would be practically exploiting the situation—he would be practically very much like one of us; the difference between him and any of us will be practically nil, although he may be labelled as labour member. What is Mr. Chaudhuri here? Mr. Chaudhuri is as much qualified to represent the labourers as any one of us. He has been labelled as labour representative; that is the only difference between Mr. Chaudhuri and myself. Then my friend spoke about the "notorious" Tramway Company. I wish my friend had been at the Corporation at the time of the strike, but I fail to see what more service he could have given to Mr. Mallik. If he had any information he could have communicated that to Mr. Mallik without being a member of the Corporation, and Mr. Mallik would certainly have been very much thankful to him.

I fear labour representation by ordinary politicians would be very much like the ladies being represented by gentlemen. Some ladies are clamouring for votes at the present moment and the result of what we have done recently would be that there would be men representing the interests of ladies. If we allow a special seat to labour, some one of us will represent labour. When the labourers rise to such a position that some of them will be able to come forward and occupy a seat on the Corporation and actually represent the difficulties of labour, well, that would be the time to clamour for seats for labourers.

I am not aware whether there is in Calcutta any large class of people who could be called a backward class. In Madras and some other

places there is always a struggle between the depressed and backward classes and what is known as the superior class. Well, in Calcutta there is no such thing. We are ashamed of reading in the papers what happens in Madras from time to time. In any case Bengal is very much superior to Madras, and I hope that there will be no opportunity for crying shame upon the people of Calcutta by pointing out to them that there is a necessity of defending the backward or so-called depressed classes. My friend might have been thinking of Eastern Bengal. I have heard that there is some reason for complaint in Eastern Bengal, but in Western Bengal, and particularly in Calcutta, we are not aware of its existence. My friend, Mr. Chaudhuri, has spoken about the housing problem. I really fail to understand what connection the housing problem has with the representation of labour. Even if labour is allowed representation, there would be only one member, and if he is to fight with the 89 members of the Corporation and secure housing accommodation for labourers, well, he will have to undergo a very tough fight. What he must rest upon is to ensure the sympathy of the 89 members. In the Corporation, you can take it from me, there is a strong feeling in favour of the labourers and of the downtrodden people. My friend, Mr. S. N. Mallik, is eminent amongst those workers who have always been trying to raise the status of labourers. What better representation could my friend expect than that? My friend, Mr. Chaudhuri, has quoted various authorities in different places. I am sorry I am not familiar with the labour movement in the world, but this I can say, that in India, if the labour movement should prosper, it must depend upon those who have a tendency to help the labourers, though at the same time they might not be labelled as labour representatives.

My friend has spoken about the Employees' Association. I happen to know this association. What I fail to understand is, what has the Employees' Association got to do with backward classes? I happend to be one evening amongst its members and I was presiding over one of their ceremonial functions. I found that they were all *bhadralog* people and most of them were like ourselves. At least, I could not find anybody there whom I could label backward or depressed class or anything like that. Why should they be brought down to the position of the backward class to plead for special representation? I for myself on their behalf would take exception to that. These are my reasons why I would oppose these amendments and anything that smells of communal representation.

Professor S. C. MUKHERJI: I am very sorry Dr. Pramathanath Banerjea has moved this amendment. I beg to oppose it. The Hon'ble Minister has enunciated the underlying principle of this Bill. He says his one object is to democratise it. Well; it is specially befitting that

this democratic principle should find a prominent place in a corporation, because the function of a corporation is to build up the body, and in that body all the members ought to find their place, whether important or weak. In the body politic both the strong and the weak must find a legitimate place in order to build up the complete structure, and one way of giving expression to this principle of democratization is to have all the minorities represented. It is the paramount duty of the Minister to see that minorities find a place. Now that the powerful minorities have been attended to, I mean the Muhammadans and the Europeans, it is only befitting that the weaker minorities, the Anglo-Indians, the Indian Christians, the Marwaris, the Jews and other communities should have their legitimate place in this body politic. Ten is a very small number. I wish the Hon'ble Minister had seen his way to increase the number, but I am told by the acting Chairman that the Corporation Engineer says there is no further space there and it would be impossible to increase the number—a physical impossibility—at the present moment, unless you build a much larger chamber. If we are restricted by such considerations, we ought not at least to go and reduce the number. As regards amendment No. 87, I am inclined to favour labour representation because of the big labour troubles in Calcutta. Though there are others to look into this question, it would not be altogether unbefitting to have one member to give all his attention to the problems of labour troubles. I for myself favour representation of a labour member on the Corporation.

Babu SURENDRA NATH MALLIK: I must confess that I was somewhat surprised that this amendment had been brought by Dr. Pramathanath Banerjea to reduce the number of nominations from eight to five. As it is, I think that the Hon'ble Minister has made up his mind to give us ten. I should have expected Dr. Banerjea to ask for more. That would have been the right thing. Now that the greatest minority has been provided for by a special electorate and communal seats, what about the smaller minorities which require our assistance? My friend has pointed out, what about the Anglo-Indians? Very few of them have a chance of coming in, it is well-known. What about the Indian Christians, what about the Parsis, what about the Jews, what about the Marwaris? All these people have got a right to be represented there. Because they cannot fight, and because they are not strong enough to come and fight here, and say that they would wreck the Reforms in no time, is it any reason why they should be neglected? It is the bounden duty of the Hon'ble Minister to provide for them. Therefore the number cannot be reduced. It is a clear case for increasing the number. It is the only way in which you can protect minorities. I was perfectly surprised that Dr. Banerjea should have taken a contrary view.

Then again these seats are for two classes of people. First of all, there are the representatives of the minorities. These have already been named and I need not repeat them. Secondly, we want some of these seats to be given to the experts and to other professional men or men of attainments who can help us; for instance, we want engineers to help us there. We want financiers, men like Raja Reshee Case Law, whose aid I have got to seek in every important matter—in the matter of loans, he is of great help to me. I am not a financier myself. I am ten miles away from the situation. Then again we have got the accountant. We must have an accountant. Mr. Krishtolal Dutt has been nominated by Government and no better nominee could have been found. He is there to check the budget estimates and everything. He is a passed accountant, a past-master in that way, very good in that profession. So, he has to be there.

Then again, with regard to the transport difficulties, we must have a railway man—[My esteemed friend over there, Mr. Stuart-Williams, has done us immense service and I am so proud of that]—to help us in connection with strikes, etc. We have got a large amount of transport work. We have to carry coal from a long distance for our water-works. So, there must be provision for the nomination of members coming from these business people. There musta lso be provision for the experts of various classes to help us, and the only thing that there should not be is that there should be no provision for the nomination of the friends of the Hon'ble Minister. Those are the only persons who have got to be excluded. Sir Surendra Nath Banerjea is not going to be the Minister for all time. We have got definitely to say who these are to be. Some other man might come as Minister and appoint his friends. That would not do.

According to the other motions, the labouring classes and the depressed classes should be included. So far as labour is concerned, I must confess that my friend, Mr. Krishna Chandra Ray Chaudhuri, gave us very good assistance during the time when we considered this Bill in the Select Committee from the point of view of labour. He pressed very many points in their support. So, I do not think that it can be resisted and that any reason can be given to resist the claims of a labour member to be there; but whether it should be put down in so many words in that section is another matter. As for the depressed classes, I am in perfect agreement with my esteemed friends, Rai Jogendra Chunder Ghose Bahadur and Rai Dr. Haridhan Dutt Bahadur, when they say that there is not much of the depressed class in Calcutta. What we have in Calcutta to a large extent is not "depressed classes" but depraved classes. That is what we have, but we cannot have any nominee of that class amongst ourselves, unless the Chairman is one because he is the head of the Corporation—that is another matter. We have got the depraved class very largely here and not the depressed

class. So, I do not think that it need be emphasised. If, however, my friends think that there ought to be a seat for the depressed classes and if the House think that they have been able to make out a case, I do not object. But over and above this, room must be left for the representation of the absolutely helpless minorities and for the experts. There must be room left for them, and taking all these classes you will be pleased to find that ten is rather too small a number. It should have been increased; perhaps it is too late to do it, but it is my humble opinion. I therefore oppose Dr. Banerjea's amendment, and I think, after what has fallen from the previous speakers, he will see his way to withdraw it.

The Hon'ble Sir SURENDRA NATH BANERJEA: I must rise to oppose Dr. Banerjea's amendment. Dr. Banerjea has asked me to set my face against nomination and he has observed that, now in power, I should give effect to the principles which I had preached while in opposition. I quite accept that, and if he will study the Municipal Bill he will find that I have endeavoured to embody in the Bill the principles which I advocated in the year 1899, that is, quarter of a century ago. May I remind him of a little bit of ancient history which was enacted in this very Hall at a time when perhaps my friend was in the school classes? A great meeting was held in this Town Hall—ground floor—we could not get the upper floor. The Maharajadhiraja Bahadur of Burdwan—he is not in his place—was the president of that meeting. I was one of the speakers. A number of resolutions were adopted and the Bill embodies the principles that were set forth in those resolutions. Therefore, I claim that I am carrying out in my responsible position the principles which I preached while I was in opposition. I regret that my friend should have suggested a reduction in the number from ten to five. We nominate 15 under the existing law. I think that point has been referred to by more than one speaker. While we nominate 15 out of 50, i.e., three-tenths of the total number, it is now going to be raised to 90 and we are going to ominate only ten out of ninety. Therefore, we reduce very substantially the Government power of nomination in this Bill. The power of nomination is necessary. I am a democrat and want to democratize the Corporation, but we cannot do it in a day. We must do it steadily and it will take time to do it. We must have the power of nomination and why? My hon'ble friend, the acting Chairman, has pointed out that there are important minorities whose interests have to be safeguarded. The Muhammadan community have got their special electorate. The Europeans have also got theirs and there is also the general European electorate, but what about the Jews, the Parsees, the Anglo-Indians, the Indian Christians, and the Marwaris? In the exercise of this power of nomination, as a member of Government in charge of the Department of Local Self-Government, I have endeavoured to consult the interests of minorities. For the first

time in the history of the Corporation an Indian Christian was nominated by me—Reverend Mr. Nag. I also appoinetd Mr. Stark as a representative of the Anglo-Indian community. Then I appointed Mr. Khaitan as a representative of the Marwari community and Mr. Rustomji as a representative of the Parsee community. Thus Government looks after the interests of these minorities who have little chance of getting into the Corporaion through the general electorate and who have no special electorates of their own. That is what Government is doing at the present moment. I desire to state specifically in a draft clause which has been prepared that Government wants largely to limit its power of nomination to these minorities. We do not want to have absolute power to nominate whomsoever we please. We do not want that at all. We want to appoint representatives of minorities. We want to appoint experts; we want to appoint professional men who would be useful in the Corporation and also, I may say at once, we want to appoint representatives of Labour and if they can be found here, representatives of the backward classes—there are no depressed classes in Calcutta I am glad to hear—who ought to be in the Corporation to help in its work. Government is quite prepared, if necessary by statutory obligation, to nominate them to the Corporation. We desire to have this power of nomination for the highest ends of good administration and for the benefit of the town and the promotion of the interests of minorities. I hope that my hon'ble friend Dr. Pramathanath Banerjea will withdraw his amendment.

I trust also that in view of what I have said and in view of the draft amendment which Mr. Goode will presently read out the gentlemen who have given notice of amendments will withdraw them. With your permission I shall ask Mr. Goode to read the draft.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): "That after the word Government in clause 5(*b*), the following words be added, viz., (*i*) to secure the association in the municipal administration of persons specially fitted in the opinion of the Local Government for appointment as Councillors; and (*ii*) to secure the representatves of minorities including the backward and labouring classes, and "

Mr. PRESIDENT: Dr. Banerjea, do you wish to withdraw your amendment?

Dr. PRAMATHANATH BANERJEA: After what has fallen from the representatives of the different minorities and the explanation which has been given by the Hon'ble the Minister in charge of Local Self-Government, and the amendment which has been moved by Mr. Goode——

Mr. PRESIDENT: Do not make a speech, please! It is quite simple to withdraw your amendment.

Dr. PRAMATHANATH BANERJEA: I beg to withdraw my amendment.

The amendment standing in the name of Mr. Pramathanath Banerjea was then, by leave of the Council, withdrawn.

Babu NIRODE BEHARY MULLICK: In view of what has fallen from the Hon'ble the Minister, I beg leave to withdraw my amendment.

The amendment standing in the name of Babu Nirode Behary Mullick was then by leave of the Council, withdrawn.

Mr. PRESIDENT: I shall first of all put the Government amendment with regard to the number of nominated Councillors.

The question is that in clause 5(*b*), line 3, the word "eight" be omitted and the word "ten" be substituted therefor.

The motion was put and agreed to.

The amendment of Babu Hem Chandra Nasker was then put and lost.

The amendment standing in the name of Mr. S. W. Goode was then put and agreed to.

Babu HEM CHANDRA NASKER: I move that in clause 5(*c*), line 1, after the words "five Aldermen" the words "of whom one shall be from the Maniktala municipality area" be inserted.

The Calcutta Municipal Bill provides for the appointment of five aldermen, to be elected at the first meeting of the elected and appointed councillors. Unless one seat is reserved for Maniktala area, there is no chance of any person being returned as such. I appeal to the Hon'ble the Minister in charge of the Department of Local Self-Government and the House for the acceptance of the same.

The Hon'ble Sir SURENDRA NATH BANERJEA: I must oppose this amendment. Why should Maniktala get any preference and not Cossipore, Garden Reach, or any other portion of the added area? We cannot have a privileged class in these democratic days, nor any privileged area. I hope that my friend will withdraw the amendment, which seems to me so entirely opposed to the principles of the Bill and the good sense of the House.

Babu SURENDRA NATH MALLIK: May I say one word?

Mr. PRESIDENT: It seems hardly worth while.

Babu SURENDRA NATH MALLIK: I will ask my friend not to come to the Calcutta Corporation from the Maniktala area with the idea that it is still separate from the Calcutta area. Do not make any such mistake. There will be no Maniktala area. It will be merged in Calcutta and will form a part of us.

Babu HEM CHANDRA NASKER: I beg leave to withdraw my amendment.

The motion was then by leave of the Council, withdrawn.

Khan Bahadur Maulvi WASIMUDDIN AHMED: In the absence of Mr. Syed Nasim Ali, I move that in clause 5(*c*), line 1, after the word "Aldermen" the following be inserted namely—

"of whom at least two shall be Muhammadans."

In the Bill there is a provision for electing five aldermen. We have got a special electorate for returning 15 members, but there is no provision for getting some Muhammadans as aldermen. As we submitted, the Corporation is only a training ground for politicians and there must be some people to look after the special interests of Muhammadans. Therefore, it is the fitness of things that out of five aldermen two should be Muhammadans.

The Hon'ble Sir SURENDRA NATH BANERJEA: I must oppose this amendment. I rise at this early stage in order to save time. It seems to me most unreasonable and I am reminded of a saying of one of my distingushed friends that the communal system grows by what it feeds on. Having got the communal system, our Muhammadan friends—some of them and I hope not all—want that two aldermen should also be Muhammadans. Why should we impose any restriction at all upon the choice of the Corporation? It may be that there may be more than two or it may be that there may be none. We ought to leave absolute discretion to the Corporation to choose the fittest man and not to put a hall-mark that the alderman should be so and so. If the amendment is carried, then a European might say "We want a European." I think that the whole matter ought to be left to the discretion of the Corporation. It seems to me preposterous that an amendment of this kind should have been moved and I hope that the House will reject it.

Babu SURENDRA NATH MALLIK: I stand aghast at the moderation of my Muhammadan friends in not asking that the Mayor should always be a Muhammadan.

Rai Dr. HARIDHAN DUTT Bahadur: May I have your permission to speak, Sir?

Mr. PRESIDENT: The question of communal representation has been fully discussed, Dr. Dutt. Have you anything new to add to what the Hon'ble the Minister has said? If I allow every member to speak, I do not know how we can get on with the Bill and finish it.

Mr. D. C. GHOSE: I move that the question be now put.

The question that the question be put was put and agreed to.

A division being taken in the Chamber at the direction of the President, Khan Bahadur Maulvi Wasimuddin Ahmer's motion was declared lost.

CLAUSE 6.

Mr. S. W. COODE: I move that in line 3 of clause 6, before the word "under," the words "as constituted" and in the last line of the same clause before the word "constituted" the word "as" be inserted.

This is merely a drafting amendment, Sir, and I do not want to say anything on it.

The motion was put and agreed to.

Mr. PRESIDENT: I now call upon Raja Reshee Case Law to move his amendment.

Mr. S. W. COODE: Before the Raja Sahib moves his amendment may I intervene on a point of order? The Raja Sahib may remember that a few days ago I moved a motion which precisely meets the point now raised as regards the liabilities of these bodies. That resolution has already been accepted by the House. In view of this fact I trust the Raja Sahib will withdraw his amendment.

Raja RESHEE CASE LAW: May I know if parts (*c*) and (*d*) of my amendment are covered by that motion?

Mr. S. W. COODE: Yes.

The following motion standing in the name of Raja Reshee Case Law was then, by leave of the Council, withdrawn:—

"That in clause 6—

(*a*) after the word 'rights' in line 5, the word 'liabilities' be inserted;

(b) for the words 'used, enjoyed and possessed by' in lines 5 and 6, the word 'of' be substituted;

(*c*) after the word 'Tollygunge' in line 10, the word 'Cossipore-Chitpur' be inserted; and

(*d*) for the words 'Maniktala municipality' in line 15, the words 'Municipalities aforesaid for the respective areas added to Calcutta which were formally included within them' be substituted."

CLAUSE 8.

SHAH SYED EMDADUL HAQ moved that in clause 8 (1)lines 1 and 2, for the words "The five Aldermen referred to in clause (*c*) of section 5 shall be elected," the following be substituted, namely:—

"Of the five Aldermen referred to in clause (*c*) of section 5, four shall be elected by the non-Muhammadan councillors and one by the Muhammadan councillors."

He addressed the Council in Bengali in support of his motion.

Khan Bahadur Maulvi WASIMUDDIN AHMED: In this amendment there is not the obnoxious odium of Muhammadan aldermen. It simply asks for the election of an alderman by Muhammadan councillors, and the returned alderman may be a Hindu, a Parsi, a Christian, or anybody. The only thing that is wanted is that the Muhammadans be given a chance of electing an alderman according to their own choice. This motion being free from the odium I have referred to above, I hope it will be accepted by the House.

The Hon'ble Sir SURENDRA NATH BANERJEA: I oppose the amendment. It is quite unreasonable. My Muhammadan friends now want a special electorate for the purpose of choosing an alderman, which is wholly inconsistent with the principles of the Bill, and I hope and trust that the House will reject this demand.

On a division being claimed by the mover, the President directed that it be taken in the Chamber.

The Ayes being 6 and the Noes 22, the motion was lost.

The following motion standing in the name of Mr. D. J. Cohen was, in the absence of the member, deemed to be withdrawn:—

"That in line 5 of clause 8 (*1*) for the words 'at that time' the following be substituted, namely:—

'by the Local Government under clause (*b*) of section 5.'"

CLAUSE 8A.

Dr. PRAMATHANATH BANERJEA: I move that in clause 8A, and wherever the term occurs in the Bill, for the word "Mayor" the word "Chairman" be substituted, and also that in clause 8A and wherever the term occurs in the Bill, for the words "Deputy Mayor," the words "Deputy Chairman" be substituted.

It appears to me that in official circles there is a great fondness for mediæval terms. "Chairman" and "Deputy Chairman" are well understood terms; why then import such terms as "Mayor" and "Deputy Mayor" which do not convey any clear meaning to the ordinary man? Is it thought that these terms will confer great dignity on the

occupiers of these offices? Or is it merely for the sake of fondness for change that the proposal is made? I think the terms "Chairman" and "Deputy Chairman," which have been in use for a long time past, and with which the public is quite familiar, should be retained, and no change should be made in the nomenclature used in regard to the officers of the Calcutta Corporation.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to oppose the amendment. The word "Chairman" used in this connection would be misleading. "Chairman" at the present moment means the President of the Corporation and also the Chief Executive Officer. If we used the word "Chairman" it would be reminiscent of a state of things which will have altogether disappeared. I think, therefore, that this word should not be substituted and what better word could be found than "Mayor" which is used universally throughout the United kingdom? My friend considers it to be a mediæval term. Perhaps it is, but we are often obliged to employ mediæval terms, mediæval language, and mediæval phraseology. This term has been in use all over the United Kingdom; so there is no reason why we should not adopt this word in preference to the word "Chairman" which is bound to be misleading.

The motion was then put and lost.

Mr. PRESIDENT: I now call upon Raja Reshee Case Law to move his motion No. 115.

Mr S. W. GOODE: Perhaps, if I intervene at this stage, the Raja Sahib will accept my assurance that the Legislative Department has carefully examined his proposal and it is found that under the General Clauses Act the Corporation have very wide powers to withdraw or annul any order of delegation which they may have passed, so that it is not necessary to make a special provision to that effect in this Bill.

Raja RESHEE CASE LAW: If that be so, I beg leave to withdraw my motion.

The following motions were then by leave of the Council withdrawn:—

Dr. PRAMATHANATH BANERJEA and Raja RESHEE CASE LAW: "That at the end of clause 11(*f*) the following be added, namely:—

'and may withdraw them when necessary.'"

Babu JATINDRA NATH BASU: "That at the end of clause 11 (*f*) the following be added, namely:—

'and such delegation shall remain in force until revoked by the Corporation;'"

Dr. PRAMATHANATH BANERJEA and Raja RESHEE CASE LAW: "That at the end of clause 11 (*2*) the following words be added, namely:—

'and may withdraw them when necessary.'"

Dr. PRAMATHANATH BANERJEA and Raja RESHEE CASE LAW: "That at the end of clause 11 (*3*) the following words be added, namely:—

'and may withdraw them when necessary.'"

Raja RESHEE CASE LAW: I move that the proviso to clause 11 (*4*) be omitted.

My object in moving this amendment is that the final revising power of the Corporation should not be parted with in favour of anybody, however exalted his position may be. It may amount to denying the public a right to get their grievances in any matter redressed by an appeal to the Corporation.

Dr. PRAMATHANATH BANERJEA: I rise to support this amendment. The proviso in this section contemplates the granting of final authority to the Chief Executive Officer. The most important object of this Bill is to invest the Calcutta Corporation with the sole and final authority in all municipal matters. The effect of this provision will be to defeat this very object. I hope, therefore, that this amendment will commend itself to the members of the Council.

Mr. S. W. COODE: I suggest to the movers of these two motions that it is convenient in certain matters of detail that the Corporation should have the power to give final authority to the Chief Executive Officer. It may be circumspect and cautious, if it wishes, in giving this final authority, but if at any time they consider that the Chief Executive Officer is abusing these wide powers, it will be always open to the Corporation under the General Clauses Act to rescind or withdraw the power which it has vested in its Chief Executive Officer and to state that his orders shall no longer be final, but that they shall be subject to revision, so that the Executive Officer will, so to speak, hold these final powers merely on probation, and if the Corporation is of opinion that he has not exercised them wisely or discreetly, it might at any moment, rescind, or cancel the finality which it has given or delegated to its Chief Officer. I hope that, looking at the matter from this point of view, the movers will not press their amendments.

The motion was then, by leave of the Council, withdrawn.

Mr. D. J. COHEN: " That after clause 11 the following be inserted, namely:—

' Provided also that the Corporation may at any time by a resolution withdraw or revoke any direction made by them that the action of the executive officer shall be final.' "

CLAUSE 15.

Dr. PRAMATHANATH BANERJEA: I move that in clause 15(J), after the word " without " in line 2, the words " undue or unnecessary " be inserted.

This section gives power to the local Government to depute an officer to make an inspection for examination and report. It also lays dawn that every requisition under sub-section 2, shall be complied with by the Corporation without delay, that is to say, peremptorily. I wish to qualify the word " delay " by the words " unnecessary " and " undue " so that the requisition may not be of a peremptory nature.

Mr. S. W. GOODE: I suggest that the legal meaning of the word " delay " implies that reasonable time will be given. It does not mean that the Corporation shall be obliged to submit its report at once; the law must be interpreted in a reasonable way. I have sympathy with Dr. Banerjea's principle, but I suggest to him that it will not be endangered by the law as it stands in the Bill. I trust he will not press his amendment.

The motion was then, by leave of the Council, withdrawn.

CLAUSE 17.

Babu JATINDRA NATH BASU: I move that in clause 17(*J*)(*a*), line 1, after the word " person," the words " or body of persons " be inserted.

Clause 17 contemplates that in the event of the Corporation being found to be inefficient in the performance of its duties, the local Government will have the power to supersede it and to appoint some person to carry on its duties. This provision is likely to be a dead letter, but all the same it is there. What I propose is that the local Government will have the power to appoint not only some person but also a Board or Trust consisting of a number of persons to take the necessary action. That, Sir, is my object in moving this amendment.

Mr. S. W. GOODE: I must refer Mr. Basu again to the Legislative Department's invaluable friend, the General Clauses Act, which states that a person shall include any Company, or Association or a

Body of individuals whether incorporated or not, and I think that read in the light of that clause, this section will cover what he wants.

The motion was then, by leave of the Council, withdrawn:

CLAUSE 17A.

Babu AMULYA DHONE ADDY: I move that in clause 17A in line 1, after the words "the Local Government may" the words "after consideration of any representation which may be made by the Corporation" be inserted.

It will appear that under clause 17A the local Government may annul any proceeding of the Corporation which they do not consider to be in conformity with the law. I beg to submit that the local Government should be authorized to annul any resolution of the Corporation if it inconsistent with the provisions of the law. But, Sir, the decision of the Government should not be an *ex parte* one. The Corporation should be given an opportunity to explain their conduct and their special reason for the resolution. I admit, Sir, that the present form of Government is a reformed one but justice demands that an opportunity should be given to the Corporation of Calcutta to explain the reasons for their resolutions.

Mr. S. W. GOODE: I do not think Mr. Addy will seriously urge that Government is going to take such steps as these without first inviting an explanation from the Corporation, and I put it to him that in view of his long experience of the relations between the Corporation and the Government it is unnecessary to insert this amendment in the Bill as it stands.

Rai Dr. HARIDHAN DUTT Bahadur: Sir, I want to point out one thing. The altered circumstances might justify the inclusion of a few words. Up to the present time the Chairman of the Corporation has been an officer of Government, but under the present Bill, there is to be a material change in the head of the Executive. It is therefore desirable to have the words suggested by Mr. Addy put in the Bill. I am disposed to request Mr. Goode to find his way to accept the amendment.

Mr. S. W. GOODE: On behalf of Government I accept the amendment.

The motion was put and agreed to.

The following motion standing in the name of Mr. S. Mahboob Aley was, in the absence of the member, deemed to be withdrawn:—

"That in clause 18(*1*)(*a*), line 13, after the word 'directly' the the words 'or indirectly' be inserted."

CLAUSE 18.

Mr. S. W. GOODE: I move that for the first proviso to clause 18(*1*), the following be substituted, namely:—

> "Provided that the name of the person by whom such payment or any portion thereof has been made appears in the Assessment Book in respect of the premises on account of which such payment or portion thereof has been made."

This is purely a drafting amendment, Sir, which aims at making the intention of the clause a little clearer, and I need not make any remark on it.

Babu DEBI PROSAD KHAITAN: There is one thing that I have not been able to understand. On behalf of Government it has been moved that the name of a tenant has got to appear in the Assessment Register of the Corporation. It may be known to Government that ocupiers very often pay rates and taxes included in the rent which they pay to their landlords, and, in such cases, the name of the tenant does not appear in the Assessment Register. Sir, it may be said that if the name of such a tenant does not appear in the book it is not possible for the authorities of the Corporation to know whether any tenant is paying through his landlord the amount of rates and taxes which qualify him to be a voter under this Bill. In these circumstances it is not an insuperable difficulty—if the tenant can satisfy the returning officer or the authorities that prepare the electoral rolls that he is paying rates and taxes through his landlord—to enter his name in the Assessment Register. If the authorities are not satisfied, then his name should not be inserted, but if the amendment is accepted, the difficulty will be that although the provision is made in the present law to that effect, such people can never get the right to vote because their names will never appear as a matter of course in the Assessment Register. I believe, Sir, that the Bill, as drafted, has a salutary provision and the acceptance of this amendment will introduce a factor which was not contemplated when the right was proposed to be given to the tenant to be a voter, although he did not directly pay rates and taxes to the Corporation.

Mr. S. W. GOODE: I would point out to Mr. Khaitan that there is surely an obligation on anyone who wishes to exercise the franchise to take the slight trouble of having his name registered in the Corporation Assessment Register. It has been more than once my duty to prepare the electoral roll of the Calcutta Corporation, and I can assure Mr. Khaitan that the labours of the returning officer will be considerably lightened if persons, who desire to have the privilege of exercising the franchise, will endeavour to secure registration. I think this is a

most essential clause, and Government cannot afford to have it excluded from this Bill.

Babu JATINDRA NATH BASU: The amendment moved by Mr. Goode has the tendency to take away the right from a person who is entitled to be a voter. The mere fact that he has not got his name entered in the Assessment Register should not take away his right. As Mr. Goode has pointed out it will no doubt entail some work on the person who prepares the electoral roll, but the mere fact that there will be some more work for the officer keeping the register, should not deprive the ratepayer who is, no doubt, under the Bill, entitled to have a vote. It may be that he may not have his name on the register at the time when the electoral roll is prepared. For instance, I am a tenant; my name was not on the Assessment Register when the electoral roll was prepared. But I apply to the electoral officer to place my name on the roll, and produce evidence before him that I am entitled to a vote, though my name is not on the electoral roll. I think the Bill should provide for registration of the name of the applicant.

Mr. S. W. GOODE: Taking Mr. Basu's point, it is still possible, when the preparation of the roll is begun, for a person to secure registration of his name; it is not necessary for him to have it registered a long time before.

Babu SURENDRA NATH MALLIK: May I say one word? I accept the amendment of Mr. Goode with regard to No. 129A. As a matter of fact, we do not enter the names of persons who pay, and it is impossible in Calcutta to enter the name of everybody who pays, in the Assessment Register. The Assessment Register is a record which cannot be altered frequently, and you cannot expect it to be done at once. I think it is fair and more practical, and we ought to accept the amendment, and, with your permission, I beg to withdraw amendments Nos. 130 and 131 which stand in my name.

Babu AMULYA DHONE ADDY: So far as I remember this proviso is in the existing Act, and if it is omitted it will lead to confusion. It has been said that an occupier must be entitled to vote, even if his name is not in the Assessment Register. In connection with this I beg to draw attention to sub-clause (*b*) of this clause under which even a tenant who pays a monthly rent of Rs. 25 will be entitled to vote even if his name is not registered in the Assessment Register. Therefore, there can be no apprehension in the matter.

The amendment moved by Mr. Goode was then put and agreed to.

The following amendment standing in the name of Babu Surendra Nath Mallik was then, by leave of the Council, withdrawn:—

"That in clause 18(*1*) the first proviso be omitted."

Mr. PRESIDENT: Mr. Goode, will you be good enough to take your manuscript amendments first?

Mr. S. W. GOODE: I move that in clause 18(*1*) (*b*), line 13, for the words " maintained by him " the words " maintained by the Executive Officer "' be substituted.

I also move that in clause 18(*1*) (*c*), lines 8 and 9, for the words " a register to be maintained by him " the words " the register to be maintained by the Executive Officer " be substituted.

These are only drafting changes.

The motions were then put and agreed to.

Mr. S. W. GOODE: I move that at the commencement of clause 18(*2*) the following be inserted, namely,—

" Subject to the provisions of any other law on the subject for the time being in force."

Sub-clause (*2*) deals with the representation of companies. We have provided elsewhere that aliens should be disqualified, and we want to provide that alien companies may be disqualified also. That is the reason for this insertion.

Raja RESHEE CASE LAW: I do not know whether my amendment covers that. I move that in clause 18(*2*), line 6, after the words " sub-section (*1*)," the words " and such company, body-corporate, firm, joint family or other association gets itself registered through one of its members on the electoral roll by an application duly made to the Executive Officer " be inserted.

The object of this amendment is to place the company, body corporate, etc., in the same position as any other elector, viz., imposing upon them the duty of being entered as an elector in the electoral roll through one of its members by an application duly made for the purpose. It really gives effect to 21 (*1a*).

Mr. S. W. GOODE: I think, Sir, that the Raja is quite right in bringing this point to attention, and we would accept his suggestion, but I would propose to embody it in an amendment to clause 21 which I shall suggest later on.

Raja RESHEE CASE LAW: All right, I accept that.

Babu DEBI PROSAD KHAITAN: This proviso already exists in 21(*1a*)—" A company, a body corporate, firm, joint family, or other associationo f individuals, etc., etc. . . ."; so it is already, there.

Mr. PRESIDENT: Mr. Goode has just said that.

Mr. S. W. GOODE: I understand the Raja has already withdrawn his amendment on the understanding that it will come under discussion later on on section 21.

Raja RESHEE CASE LAW: I have not withdrawn, but you said you would embody it in section 21(*1a*). To that I have no objection, and I withdraw this amendment.

Mr. PRESIDENT: It will come up for discussion again under clause 21.

Dr. PRAMATHANATH BANERJEA: Section 21 relates to electors, whereas section 18 relates to candidates——

Mr. PRESIDENT: Dr. Banerjea, I think you are mistaken.

Dr. PRAMATHANATH BANERJEA: I beg your pardon, I am mistaken.

The amendment moved by Mr. Goode was then put and agreed to.

The amendment standing in the name of Raja Reshee Case Law was then, by leave of the Council, withdrawn.

CLAUSE 18A.

Mr. PRESIDENT: Clause 18A will be held over on account of the decision of the Council with regard to the franchise to women. Consequentjal amendments will have to be made.

CLAUSE 19.

The following motion standing in the name of Maulvi A. K. Fasl-ul Haq was, in the absence of the member, deemed to be withdrawn:—

"That in clause 19(*1*) (*h*) the words—

(*1*) 'President of the Tribunal of the Board of Trustees for the Improvement of Calcutta, or an assessor to that Tribunal, or' in lines 1 to 3 be omitted, and

(*2*) for the word 'any' in line 5 the word 'either' be substituted."

Dr. PRAMATHANATH BANERJEA: I move that in clause 19(*1*), proviso (c) be omitted. May I also take the next one along with this?

Mr. PRESIDENT: Yes. Will you please do that?

Dr. PRAMATHANATH BANERJEA: I also move that clause 19(2) be omitted.

My object in moving these two amendments is to prevent persons who wish to benefit by their association with the Calcutta Corporation from standing as candidates. Those who wish to enter the Corporation of Calcutta should do so with the sole object of serving the community, and they ought not to have any ulterior object in view. I wish to follow up the provision made in the previous section, the President of the Tribunal, the Assessor of the Tribunal or a Judge, etc., etc., are disqualified from standing as candidates.

[At this stage Hon'ble the President left the Chamber, and the Chair was taken by the Deputy-President.]

Mr. S. W. COODE: I am not quite clear what amendment Mr. Banerjea is moving.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I think there has been some mistake on the part of Dr. Banerjea. Amendment No. 147 was not moved, as Maulvi Fazl-ul Haq was not here.

Mr. S. W. COODE: We accept amendment No. 148.

The amendment that in clause 19(*1*), proviso (*c*), be omitted was then put and agreed to.

Dr. PRAMATHANATH BANERJEA: I move that clause 19(2) be omitted. This clause runs thus:—

> A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election or appointment for five years from the date of the expiration of the sentence.

I cannot understand why a person against whom a conviction subsists, or who has suffered imprisonment for more than six months should be debarred from standing as a candidate or being appointed as a Councillor. Such sentence of a court does not always imply moral turpitude: in certain cases of course it does, but it ought to have been provided that if moral turpitude is proved, a person may be excluded. But this is a general clause. Many persons might be convicted by a criminal court merely for political offences or other technical offences which do not involve any discredit on their character. I think, therefore, that this clause should be omitted, or at least so altered as to prevent the exclusion of people who carry on political agitation.

Maulvi EKRAMUL HUQ: I rise to cordially support the amendment of Dr. Banerjea. There are many persons who are convicted of political offences, and some of them are persons of great ability and persons whose veracity and honesty cannot be questioned. Should they be excluded by a section like this? No, they should not be. They should be given the opportunity to stand for seats in the Corporation if they so desire, for to my mind they will prove themselves to be the best persons on the Corporation. This clause 19(2), as it stands, will exclude persons like Mr. C. R. Das and Maulvi Majibur Rahman, the editor of the *Mussalman;* these are not the persons against whom there should be a bar like this. It is only in the case of persons accused of criminal offences which involve moral turpitude that such a clause should find a place to debar them from entering the Calcutta Corporation.

Babu AMULYA DHONE ADDY: I am sorry I cannot but oppose this amendment. It appears that a person who is sentenced to transportation or imprisonment for a period of more than six months is to be presumed to have committed a serious offence. I admit there are a large number of political offenders who have been imprisoned for more than 6 months, and therefore it will not be right and just if they are not allowed to stand for election. But I have the greatest confidence in our present Government because, as will appear from the section, it is in the power of the Government to allow such a person to stand for election. I would draw attention to the following words in this clause:—"unless the offence of which he was convicted has been pardoned." Certainly in the case of political offenders they will be pardoned by the Government. In the case of political offenders in the United Provinces, all of them have been discharged, with the exception of one. In the circumstances, I think it must be left to the discretion of the Government and it would be better not to omit this section altogether.

Mr. D. J. COHEN: I must oppose this amendment although I am in entire sympathy with Dr. Banerjea. The trouble is that there is no amendment here excluding these political offenders convicted of offences not involving moral turpitude. There are certain classes of political offenders, rather people who call themselves political offenders, and yet commit ordinary criminal offences. I would suggest to the Government to consider if they can narrow down the sub-clause to offenders convicted of offences involving moral turpitude.

Babu SURENDRA NATH MALLIK: I for myself aprpeciate the force of the argument of Dr. Banerjea in this motion. I would ask the Hon'ble the Minister to consider whether in the clause, as it stands, after the word "conviction" I may have his permission to put in the words "for offences involving moral turpitude." That will meet the case. It will then run; "a person against whom a conviction for offences involving

moral turpitude by a criminal court, etc., etc. . ." If the Hon'ble the Minister will please consider the desirability of including these words after the word "conviction" and before the word "by," I think it will meet the exigencies of the situation.

The Hon'ble Sir SURENDRA NATH BANERJEA: I just want to say a few words. I am very much in sympathy with the speeches that have been made, and I do not think a person should be disqualified by reason of any political offence as such. I think that it should involve moral turpitude if it is to be a disqualification, but in a matter of this kind, you should leave it to the Government who is given power of removing this disqualification. Let me cite my own case. I was disqualified from entering into the Legislative Council under the rules which were in force at that time. But the same rules provided that the Government should have the power of removing this disqualification and what happened was this. Sir Edward Baker was then Lieutenant-Governor and of his own motion, without any solicitation on my part, he removed my disqualification. I was enabled to enter the Council, but for reasons of my own I did not do so. At that time the partition agitation was going on, and until that partition was withdrawn, I felt I should not enter the Council. All the same the disqualification was removed by an act of Government. There is that saving clause, and I think we can rely upon the growing desire of Government to conciliate public opinion, to act as public opinion would demand in a case of this kind. My friend, Babu Surendra Nath Mallik, should be satisfied with the reservation that a matter like this should be left to the discretion of the Government. The other day in the case of a political offender in Bombay, the Government removed the disqualification at once. Therefore, we may rely upon the Government to do the right thing in cases of this kind in which a person has been convicted of an offence not involving moral turpitude. I hope, therefore, that the amendment will not be pressed and my friend will withdraw it.

Babu KISHORI MOHAN CHAUDHURI: I think that the Minister will take this into consideration. There will be no harm in accepting the suggestion that has fallen from my friend Babu Surendra Nath Mallik. At least that would obviate the difficulty. We cannot depend always upon the Government; there may be difficulties and it may not be possible always to have the best men on the Government to remove the bar. So I think the Hon'ble the Minister will kindly take this into consideration and accept the amendment either in the shape in which it has been moved or in any other form he thinks desirable.

Maulvi HAMID-UD-DIN KHAN: I beg to endorse what has fallen from Babu Surendra Nath Mallik. In supporting him my contention is that so far as I can understand it, political prisoners should not suffer, and they should be in a position to be pardoned by the Government.

Only a single clause is needed and that will satisfy the members of this Council, and I appeal to the Hon'ble the Minister to give us this clause.

The Hon'ble Sir SURENDRA NATH BANERJEA: I may say, Sir, if you will allow me, that in view of the strong expression of opinion of the House, I am in favour of accepting the view that there should be a clause with respect to moral turpitude. I think we should modify the existing clause accordingly.

Mr. S. W. GOODE: As there would be difficulty in deciding when there is moral turpitude, the House will agree that that should be left to the discretion of the local Government. The clause might run thus: "A person against whom a conviction for an offence involving, in the opinion of the local Government, moral turpitude by a criminal court . . . ."

May I suggest that the exact drafting be left to the Legislative Department, otherwise there may be confusion?

Babu SURENDRA NATH MALLIK: May I venture to point out that this drafting, as suggested by Mr. Goode, would have very little meaning. "For an offence, involving, in the opinion of the local Government, moral turpitude," it is bound to convey moral turpitude. What do you mean by "in the opinion of the Government?" If you accept it, accept it as in the amendment. Why put in an element which makes the whole thing very suspicious. Accept it as suggested and as seems to be the opinion of the House.

The Hon'ble Sir SURENDRA NATH BANERJEA: Let it be as it is, "involving moral turpitude." The Court will decide.

Rai JOGENDRA CHUNDER GHOSE Bahadur: If I may be permitted to intervene—"involving moral turpitude in the opinion of Government." When we put "involving moral turpitude" the idea is the same as involving moral turpitude as in a criminal case. It must be left to the local Government, because somebody must say when an offence does not involve moral turpitude; therefore, there is no harm in accepting Mr. Mallik's amendment. Who is to decide what is moral turpitude? The Government of Bengal.

The Hon'ble Sir SURENDRA NATH BANERJEA: I do not suppose there will be any difficulty in deciding what is moral turpitude and what is not. Anyway I accept it.

Babu SURENDRA NATH MALLIK: It has got to be decided by the Government officers.

Mr. DEPUTY-PRESIDENT: The Hon'ble the Minister accepts the suggestion proposed by Mr. Mallik, "for an offence involving moral turpitude."

Mr. S. W. COODE: I think in any case these words will not do. Government may accept the principle, but the draft will not do; it is extremely clumsy.

Babu SURENDRA NATH MALLIK: So far as the language is concerned, I think it might be left to the Legislative Department, the sense being "offences involving moral turpitude."

Rai Dr. HARIDHAN DUTT Bahadur: May I inquire whether this is a committee?

Mr. DEPUTY-PRESIDENT: As regards the drafting, it is postponed; the Legislative Department will draft it in the proper way. The principle is there.

Babu SURENDRA NATH MALLIK: May I venture to suggest that the clause should run thus: "a person against whom a conviction for an offence involving moral turpitude by a criminal court inflicting a sentence of, etc., etc. . . ." That should be the proper form.

[At this stage the Hon'ble the President returned to the Chair.]

Mr. S. W. COODE: We have settled the drafting, it should be as follows:—

"a person against whom a conviction by a criminal court for an offence involving moral turpitude and carrying with it a sentence of. . . ."

The motion that in clause 19(2), line 2, after the word "court" the word "involving" be omitted and the following words inserted, namely,—"for an offence involving moral turpitude and carrying with it" was then put and agreed to.

Mr. S. W. COODE: I move that at the beginning of clause 19(3) the following be inserted, namely, "notwithstanding anything contained in the Indian Elections Offences and Inquiries Act, 1920."

Sir, this is only a formal amendment.

The motion was put and agreed to.

The following motion which stood in the name of Dr. Pramathanath Banerjea was, by leave of the Council, withdrawn:—

> "That in clause 19(3), lines 1 to 4 the words 'is convicted of an offence under Chapter IXA of the Indan Penal Code punishable with imprisonment for a term exceeding six months or' be omitted."

CLAUSE 21.

Raja RESHEE CASE LAW: I move that in clause 21, for the words "a constituency" the words "any constituency" be substituted.

The object of my first amendment under this clause is to make it clear that a person having qualifications in more than one constituency may get himself enrolled as an elector in all the constituencies in which he has qualifications. It is hardly necessary for me to add that the purpose of this clause is what I have stated above and my amendment is only made to remove any doubt on the point.

Mr. S. W. COODE: I suggest that this amendment is unnecessary. This Bill very clearly provides that any person who has the necessary property qualifications may have a vote in every constituency in which such property lies. He may not, under the Bill, have more than one vote in each constituency. The Raja Sahib in other amendments that he is going to move is, of course, anxious to give him several votes in each constituency. The Bill, however, does provide exactly what the Raja Sahib wants in this amendment, that is to say, that he shall be entitled to have at least one vote in each constituency in which he has got property qualifications. So this amendment is unnecessary and it would also make the drafting unhappy.

Raja RESHEE CASE LAW: I have suggested this amendment in order to make the drafting more clear.

The motion was put and lost.

Raja RESHEE CASE LAW: I move that in clause 21(*1*) the following be added, namely,—

> "Provided that the committee of a lunatic or the guardian of a minor shall be entitled to have his name registered on the electoral roll as such if the qualifications specified in sections 18 and 18A are possessed by the estates of the lunatic or minor."

The object of my second amendment is quite obvious, I find no logic in excluding the committee of a lunatic or the guardian of a minor from the electoral roll provided the necessary qualifications are possessed by the estates of the lunatic or the minor.

Mr. S. W. COODE: Sir, may I intervene at this stage to say that the Government would accept the amendment with slight alterations in the drafting?

Babu AMULYA DHON ADDY: I beg to support the amendment.

Mr. PRESIDENT: It has already been accepted by Government.

Babu SURENDRA NATH MALLIK: Sir, before you put it to the vote, may I suggest that the words "appointed by the Court" should be put in after the words "guardian of a minor." This is absolutely necessary.

Mr. PRESIDENT: Yes; it is accepted by Government.

The motion was then put in the following form and agreed to:

"That to sub-clause (*1*) of clause 21, the following be added, namely:—

'Provided that the manager of a lunatic or the guardian of a minor appointed by the Court as such shall be entitled to have his name registered on the electoral roll as the representative of the lunatic or minor, if, but for the provisions of clause (*c*) or (*d*) of sub-section (*1*) of section 19 as the case may be, such lunatic or minor would have been qualified for election.'"

Mr. S. W. COODE: Sir, I propose to move an amendment in order to give effect to the change proposed by the Raja Sahib under section 21. The amendment runs thus:—

That

(*1*) after the word "but" in line 4 of sub-clause (*1a*) of clause 21, the following be inserted, namely:—
"if qualified as an elector, may obtain the registration of the name of one of its members, as its representative on such roll;"

and

(*2*) the words "may be represented on such roll by one of its members" be omitted.

The motion was put and agreed to.

Raja RESHEE CASE LAW: I move that in clause 21(*1aa*)—

(*1*) after the word "any" in line 2 the word "one" be inserted, and

(*2*) after the word "qualification" in line 4 the words "in that constituency" be inserted.

The amendment proposed to sub-clause (*1aa*) is to make it clear that persons having qualifications in different constituencies may have their names registered at least once in all those constituencies. Is it clear?

Mr. S. W. GOODE: It is quite clear, Sir. This clause clearly states that a person who has property qualifications in more than one constituency may vote at least once in each of those constituencies. It does not give plural voting in the sense that the Raja Sahib wishes to provide for it in his later amendment. But it does give one vote to him in each constituency in which he has property qualifications.

Raja RESHEE CASE LAW: If it conveys that idea then I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Babu JATINDRA NATH BASU: I move that in line 2 of the proviso to clause 21(*1aa*) after the words " representative of " the words " a company, body corporate, firm, joint family or " be inserted.

This is simply a verbal amendment. The words " Association of individuals " have in this Bill always been used in addition to the words " a company, body corporate firm or joint family." These are the words that we have in clause 18(*2*), in clause 21(*1*) (*a*) and also in the proviso to 21(*1aa*) and there is no reason why they should not be put in here also.

Mr. D. J. COHEN: For similar reasons, I support the amendment.

Mr. S. W. GOODE: We have no objection to the amendment.

Mr. PRESIDENT: In which form will you accept it, as in No. 159 or as in No. 160?

Mr. S. W. GOODE: I would prefer to accept it in the form in which it appears in No. 160, with slight alterations.

The motion was then put in the following form and agreed to:—

" That in line 2 of the proviso to clause 21(*1aa*) after the word ' any ' the following be inserted, namely,—

' company, body corporate, firm, jointfamily, or other.' "

Babu Jatindra Nath Basu's motion (No. 159) then automatically fell through.

Raja RESHEE CASE LAW: I move that in line 3, of the proviso to clause 21 (*1aa*), after the words " sub-section (*1a*) " the words " or as the committee or guardian of a lunatic or minor " be inserted.

The amendment in the proviso is a logical consequence of what has been already carried regarding the right of franchise given to the committee of a lunatic or guardian of a minor.

Mr. S. W. GOODE: There is no objection to this amendment. It is consequential upon the acceptance of motion No. 157. We accept it with the necessary substitution of the word "manager" for the word "committee."

The motion was then put in the following form and agreed to:—

"That in line 3 of the proviso to clause 21 (*1aa*) after the words 'sub-section (*1a*)' the words 'or as the manager of a lunatic or the guardian of a minor' be inserted."

The following motion which stood in the name of Babu Amulya Dhone Addy was, by leave of the Council, withdrawn:—

"That clause 21(*1aa*) with its proviso be omitted."

The following motions, being consequential on previous amendments, automatically fell through:—

Raja RESHEE CASE LAW and Babu JOGENDRA NATH RAY: "That in clause 21 (*1b*), line 2, after the words 'Calcutta Trades Association' the words 'Bengal National Chamber of Commerce, Marwari Association' be inserted."

Dr. PRAMATHANATH BANERJEA: "That in clause 21(*1b*), after the words 'Port of Calcutta' in line 3 the words 'Members of the Senate of the Calcutta University, Members of the Marwari, Association, Members of the Bengal National Chamber of Commerce, and Members of the Bengal Mahajan Sabha' be inserted."

Dr. PRAMATHANATH BANERJEA: That if motion No. 165 be carried, in clause 21 (*1b*), after the words 'or Trust' in line 5 the words 'or Senate or Sabha' be inserted."

Babu AMULYA DHONE ADDY: "That to clause 21 (*1b*), line 6, after the words 'such members,' the following be added, namely:—

> 'And the members of the Bengal National Chamber of Commerce, Marwari Association and the Senate of the University of Calcutta shall be qualified, respectively, as elector for the constituency comprising the Chamber, Association or Senate of which they are members.'"

Here the Council adjourned for 15 minutes.

After the adjournment.

Babu AMULYA DHONE ADDY: The amendment which I am now going to move is important and as there is a thin attendance in the House, may I have your permission to move it to-morrow?

Mr. PRESIDENT: I am afraid, Mr. Addy, that it is not for me to enjoin members to be present if they do not want to. We cannot postpone a question because there is a thin attendance.

Babu AMULYA DHONE ADDY: Sir, I move that after clause 21 the following new clause be inserted, namely:—

Conditions of registration and qualification to vote.

"21A. (*1*) A person who shall be qualified as an elector under section 18 as being the owner of any premises shall be entitled to have his name registered on the electoral roll of every constituency where he owns the premises and shall be qualified to give one vote in each constituency in which he is so entitled.

(*1a*) Every such person shall also have additional votes according to the following scale:—

If the aggregate annual value of all the lands and buildings owned by him in the ward is not less than—

Rs. 1,000: one additional vote.

Rs. 2,000: two additional votes.

Rs. 3,000: three additional votes.

Rs. 4,000: four additional votes.

Rs. 5,000: five additional votes.

(*2*) A person who shall be qualified as an elector under section 18 as occupier of any premises, shall be entitled to have his name registered on the electoral roll of every constituency where he has got premises as occupier and shall be qualified to give one vote in each constituency in which he is so entitled.

(*2a*) Every such person shall have additional votes according to the following scale:—

If the aggregate annual value of all the buildings occupied by him in the ward is not less than—

Rs. 1,000: one additional vote.

Rs. 2,000: two additional votes.

Rs. 3,000: three additional votes.

Rs. 4,000: four additional votes.

Rs. 5,000: five additional votes.

(*3*) A person living in his own house shall be entitled to the votes assigned to him as owner as well as to those assigned to him as occupier.

(*4*) A person qualified to vote under section 18 as licensee may, if he holds a license under class VII of Schedule V, give one vote for the ward in which he may be entitled to vote under this qualification.

(*4a*) If any such person holds a license under classes I, II or III or class IV or class V or VI of that Schedule, he may give one, two or

three votes, as the case may be, in addition to the vote which he might give if he held a license under class VII of that Schedule.

(5) A person may give as many votes as he is entitled under this section combined up to a maximum of five additional votes in any ward:

Provided that no person shall give more than six votes in any one ward."

All the provisions dealing with the qualifications of electors should be substituted by those under the existing Act, subject to minor modifications. Under the existing Act a person is entitled to vote in proportion to the amount of rates and taxes, with a maximum of 11 votes. He is entitled to vote for all the wards in which he may have lands and buildings. He need not reside in the ward or even in Calcutta. But under the Bill a person is entitled to only one vote whatever the amount of rates and taxes he may pay to the Corporation. Is it fair and equitable to take away the rights and privileges of a rate-payer who may pay heavy rates and taxes for his lands and buildings in Calcutta? Why is it that no explanation has been given for the withdrawal of these privileges? Is it not right and just that a person should exercise some control over the expenditure of the municipal fund in proportion to the rates and taxes paid by him? Under the Indian Companies Act, a shareholder is entitled to vote in proportion to the number of shares held by him. Why should a person paying thousands of rupees as rates be placed on the same footing with a person who pays only Rs. 12. Why should a landlord be debarred from exercising a franchise which he has been enjoying indirectly since 1876 and directly since 1888? The system of plural voting as in the existing Act has been introduced in 1888. It has worked very satisfactorily in Calcutta. Corruption in municipal election as in the mufassal is quite unknown in Calcutta. Men of business, men of intelligence and even the aristocrats of Calcutta come forward for general election simply because of the system of plural voting, but I am sure the abolition of this system will lead to corruption and debar men like the above from offering themselves for election as in the case of election for the Bengal Legislative Council. I do, therefore, suggest that the election rules, subject to necessary modifications as embodied in Chapter V of the existing Act, be embodied in the Bill.

It should be presumed, and, in fact, it is a mere matter of common sense, that a person who holds property in different constituencies and pays therefor more than another person in the shape of rates and taxes to the Corporation, has a greater interest in the city than the latter, and therefore his anxiety must be more to see that the civic administration conducted in a proper and efficient manner, so that he, at least, as one of the public, possessing large properties in different places of the city, should not suffer mal-administration by the municipal authorities, and therefore his natural feeling and impulse must

be to see that able and deserving men are selected by election to conduct the affairs of the municipality. In other words, a person who pays Rs. 1,000 as rates and taxes would feel more interested in the election of representatives for the efficient administration of the municipality than one who pays only Rs. 12 as rates and taxes, and therefore it is natural and reasonable to expect that he should have a larger voice in the election of representatives than one who pays a less amount of rates and taxes. But how can he have a larger and more effective voice in the matter, unless his votes are increased? There is no reason why the provisions of sections 46 and 47 of the existing Act, which have worked so successfully all along, should be lightly set aside for the sake of a mere sentiment. The democratic principle of equality is no doubt good in its way, but to extend it to an administration which is principally concerned with health, sanitation and the amenities of life is carrying it too far, which may impair the efficiency of municipal administration. Under the existing Act, an owner of properties in different wards, on the electoral roll of which his name is registered, has got a maximum total of 11 votes. If for any reason it should be thought that a person who is entitled to give 11 votes should not have such a number of votes, then the number may be reduced to 6 only, though he should be allowed to register his name in all the electorate rolls of the wards where he possesses property."

It has been alleged that plural voting gives undue influence to wealth, but as a matter of fact, even under the existing Act the total number of votes which the tenants are entitled to, is much more than what the landlords are entitled to. Under clause 18 of the Bill the landholders will be in a hopeless minority. It is desirable that the Legislature should do justice not only to tenants but also to landlords.

It is regrettable that this sweeping change is sought to be introduced in the name of democracy, irrespective of all considerations like its great antiquity, its utility, and the fact that the system has worked so long smoothly and without clamour or complaint from any quarter whatever.

Mr. PRESIDENT: I do not want to disturb the hon'ble member. If he is now reading from a paper which is in possession of every member, I would only suggest to him that it is hardly necessary for him to read the whole thing. He can simply refer to the passage.

Babu AMULYA DHONE ADDY: I think some of my colleagues have not gone through my note of dissent and that is the reason why I am reading from it.

However, I beg to submit, as will appear from the amendment, that it has been divided into five parts. It will appear under sub-clause *(1)*, the owners of lands and buildings have been referred to. It may be said, and it is said, that in the case of a system of plural voting, it is the owner, it is the landlord who is especially benefited. I beg to submit

that it is not a fact because, as will appear from sub-clause (2), occupiers are entitled to vote under the proposed system of voting. It is not only the landlords but the tenants as well who would be entitled to give votes in accordance with the amounts of rates and taxes paid by them. Then, there is another class of persons who would also be entitled to vote in accordance with the amount of taxes paid by them—I mean the merchants, traders, and professional men. Under the existing Act they are entitled to vote in accordance with the amount of taxes they pay. But under the Bill as it is they will be entitled to one vote only. Under sub-clause (3) they will be entitled to an additional number of votes in accordance with the amount of taxes paid by them. It will further appear that under the existing Act the maximum number of votes a person is entitled to give is 11 and he may give 11 votes not only in one capacity but in different capacities. So it will appear that my suggestion is a very moderate one. I have suggested that the maximum number of votes which a person should be entitled to give in all the capacities would be six. Therefore, I beg to submit that I am very moderate in my suggestion. I beg to submit that the British Indian Association has expressed this opinion that the system of plural voting should not be done away with because this is a system which has been in force in Calcutta indirectly since 1876 and directly since 1888, because on the representation of the Calcutta Trades Association and other public bodies of Calcutta, the Hon'ble Sir Henry Harrison, who was in charge of the Calcutta Municipal Bill of 1888 suggested that the system of plural voting should be legalized. It was he who made the suggestion. It may be said that the British Indian Association consists of a large number of landlords of Calcutta, but even the Bengal National Chamber of Commerce, which consists of Indian merchants and traders of Calcutta, have expressed this opinion. It will be most inequitable if a person paying Rs. 10,000 as rates and taxes be placed on the same footing as a person paying Rs. 12. At present the payment of rates and taxes amounting to Rs. 24 per annum entitles a person to be a voter. We have lowered the franchise to the payment of Rs. 12 per annum. Not only that, at present it is only the tenants and the landlords who are entitled to vote, but as will appear from clause 18 of the Bill we have extended the franchise to sub-tenants. Any person occupying a portion of a house and paying a rental of Rs. 25 per mensem is entitled to vote. I do not grudge it. I am very glad that on the suggestion of our esteemed friend, our worthy Chairman of the Corporation, Mr. Mallik, the franchise has been extended, and I congratulate the Corporation of Calcutta that on their suggestion the franchise has even been extended to females. I do not grudge that. On the contrary I am very glad that the franchise has been lowered and extended. What I beg to submit is that there is no reason whatever as to why the franchise, which has been exercised by the landlords and tenants paying heavy rates and taxes, should be taken away. It is a right which they have been exercising indirectly, as I

have said, since 1876 and directly since 1888—exercising to the entire satisfaction of the public at large. Why this right should be taken away from them I fail to understand. It may be said that in the mufassal there is no system of plural voting, but is it not a fact that there is corruption in the elections in the mufassal? It may be said that in the case of elections to the Bengal Legislative Council there is a system of one man, one vote, but may I ask whether it is a fact that the number of voters who attedned at the last general election of this Council was very small? What was the reason? [A voice: Non-co-operation.] Yes, non-co-operation was one of the reasons, but not the chief reason.

[Here the member reached his time-limit and requested the President to give him five minutes more.]

Mr. PRESIDENT: I will allow you five minutes more, but before you sit down I want you to move amendments Nos. 54 and 178.

Babu AMULYA DHONE ADDY: It is said that in Great Britain there is the system of one man, one vote, but I beg to submit that one-third of the councillors are aldermen who are not elected by the people at large, but are elected by the councillors. Then, Sir, in support of the system of plural voting I would draw the attention of the House to the opinion of the Select Committee on the Bill of 1888. They said that plural voting distinctly recognizes the right of those who contribute most to the maintenance of the Corporation to a more potent voice in electing the governing body.

Mr. PRESIDENT: You have only five minutes and I would advise you not to read any more extracts.

Babu AMULYA DHONE ADDY: I beg to submit that in Belgium there is a system of plural voting: in the Colonies there is a system of plural voting: in Stockholm, in Sweden, there is the same system, and not only that, the maximum number of votes which a person is entitled to is 100. So it will appear that my suggestion is a very moderate one. Then I would draw your attention to the opinion of the leading citizens of Calcutta of which, as I said yesterday, the Hon'ble the Minister Sir Surendra Nath Banerjea was the President. That committee stated that if plural voting which had been introduced since 1888 was abolished, the interests of the property-holders were sure to suffer.

The Hon'ble Sir SURENDRA NATH BANERJEA: May I know what was that committee?

Babu AMULYA DHONE ADDY: The general Committee of the citizens of Calcutta at their meeting held on the 9th of June, 1919, and your honour was the President of this Committee. I suggested that the maximum number of votes should be fixed at 11 and your honour thought that it should be 6.

Mr. D. C. GHOSE: May I rise to point of order? May I know whom the hon'ble member is referring to by "your honour"?

Babu AMULYA DHONE ADDY: I am referring to the Hon'ble the Minister, Sir Surendra Nath Banerjea.

Mr. PRESIDENT: He is not "your honour" at all; he is the Hon'ble the Minister.

Babu AMULYA DHONE ADDY: I beg to submit that it has worked very smoothly and it should not be abolished, and if it is abolished, I am sure it will lead to corruption. That is the opinion of several public bodies of Calcutta. Some of my friends appear to be under the misapprehension that this system does not obtain in any other part of the world. I have already stated that in the Continent as well as in the Colonies there is this system.

Mr. PRESIDENT: Your time is up. I am afraid you have not distributed your five minutes judiciously. You have not made correct use of that. Will you please formally move amendments Nos. 54 and 178 and then resume your seat?

Babu AMULYA DHONE ADDY: I move that the proviso to clause 3(47) be omitted.

I also beg to move that for clause 26(4) the following be substituted namely:

"(4) Every person qualified to vote may give all the votes to which he is entitled in any ward to any candidate in such ward or may distribute them amongst the candidates in such manner as he thinks fit."

Mr. D. J. COHEN: So far as No. 169 is concerned, I beg leave to withdraw this amendment.

The following amendment standing in the name of Mr. D. J. Cohen was then, by leave of the Council, withdrawn:—

"That after clause 21 the following be added, namely:—

'Provided also that, for the purposes of elections under this Act, a person who is agent, trustee or receiver in respect of more than one piece of land or building, shall be deemed in his capacity of agent, trustee or receiver to be the owner of only one of such properties,' "

Mr. D. J. COHEN: Sir, I beg to move that the proviso to clause 3(*47*) be omitted.

This proivso is out of place here. We are dealing in this clause merely with tenants. I support Mr. Addy in this matter but for quite a different reason. I do not agree with him that because a man is rich he ought to get more votes than a poor man. Sir, for the successful operation of "one man, one vote" system we need a partially educated electorate. What have we got at the present moment? You have lowered the franchise to Rs. 12. When it was Rs. 24, I know of several cases where three or four coolies messed together and paid rents sufficiently to entitle them to vote, and it was impossible to explain to those people what a vote was, and as a result it was found in several elections that these persons were herded together by respective canvassers and taken to the polling station with a piece of paper in their hands to be handed over to the polling officer, who took it and knew that the man wanted to vote for the candidate whose name appeared in the paper. That is certainly objectionable. We know that the Calcutta Corporation is tackling the question of primary education in real earnest, and that being so, we can surely expect that within a few years we shall have a sufficiently educated electorate to understand exactly what a vote is. My objection at the present moment is this. Is it right and fair that a man who does not understand the meaning of the word "vote" and who does not know what he is about ought to have the same voice in deciding who his representative ought to be as the man, be he rich or poor, who knows what he is about. I throw out the suggestion to the Government that this system of plural voting be continued for the same period, that is, 9 years, as Government has extended the communal representation in the case of Muhammadans. By that time it is expected that we shall have no further complaint about the system of "one man, one vote." Unless this suggestion is accepted I shall have no other alternative than to support Mr. Addy's amendment.

Raja RESHEE CASE LAW: I move that the proviso to clause 3(*47*) be omitted.

This proviso should be omitted in view of the fact that the provisions in chapter III of the Act should be completed by themselves in this respect. There is no reason why, if plural voting be allowed, the power of voting of an agent, trustee or receiver should be limited. Moreover, if a person representing an association can have his name registered individually, there is no reason why a trustee, who represents one person in respect of one estate and thus has got his name registered, may not also represent another person for another estate and have his name registered also in respect thereof. In extreme cases the objection might seem to be of some weight, but extreme cases do never arise and hence the objection is more theoretical than practical.

CLAUSE 23.

Raja RESHEE CASE LAW: I move that at the end of clause 23 the following be added, namely:—

"In the case of any general constituency every such person shall have votes according to the following scale for each of the Councillors to be elected in that constituency:—

If the aggregate annual value of all the lands and buildings owned by him in the constituency:—

is less than Rs. 1,000: one vote,
is Rs. 1,000 but less than Rs. 2,000: two votes,
is Rs. 2,000 but less than Rs. 3,000: three votes,
is Rs. 3,000 but less than Rs. 4,000: four votes,
is Rs. 4,000 but less than Rs. 5,000: five votes,
is Rs. 5,000 or more: six votes."

The object of the amendment would be manifest from its wording. Its reason is based on the recognition of the principle that a person having a greater stake in the City would *prima facie* be more interested in the more efficient administration of its municipal affairs than one who has very little stake therein. In this connection it is very necessary to note that a Municipal Corporation which has got large vested interests in and outside the city is very much different from a legislative body whose primary duty is to frame laws and pass budget grants. The one is a big proprietor itself discharging both administrative and executive functions, the other more or less a final advisory body whose mandates are to be carried out in some respects only by the Executive. Because the Reforms have recognized the principle of equal franchise upon certain property qualification only in the election of a member of the Legislative Council, it does by no means follow that the same principle would be equally sound in determining the right of franchise in the election of a Municipal Corporation. Very different considerations based upon possible conflict of interests between itself and property-owners would arise in the case of the Corporation. It was upon a recognition of this basic principle that the framers of the Act of 1888 and 1899 gave the property-owners some effective voice in the matter of the municipal administration of the town. This basic principle is recognized in all countries, and it is only in those where a properly educated electorate alive to their duties and responsibilities have developed that the property-owners themselves have freely and gladly waived their privileges without any hesitation. Thus we find that in Stockholm, Belgium, Victoria, and New South Wales the system of plural voting is still in vogue; whereas in England itself the local authorities recognised plural voting so late as 1894. This is quite right.

Given an ideal municipality and a perfect electorate in which every voter, without exception, takes a keen and intelligent interest in all municipal matters and votes accordingly, there should be no need of special representation or unequal franchise. The whole question, therefore, is—"Have we here, in Calcutta at present, a properly educated electorate alive to their duties and responsibilities as stated above?" The most ardent democrat here would admit that the answer is in the negative. That being so, inasmuch as we recognize a perfect electorate as our goal, it is expedient that our progress in that direction should be by stages, giving an opportunity to the electorate to imbibe gradually that sense of duty and responsibility which is essential in an electorate of equal rights in franchise. I have, therefore, proposed in my amendment a graduated right of voting limiting my maximum to 6 instead of 11 as in the present Act. In plural-councillor constituencies, I have further limited the number of votes, which any one elector can give to any one candidate, to 6 or less according to the property qualification of the elector. This, I believe, will be the best solution of the problem under the present cirmcumstances. It will, no doubt, place the property-owners to some amount of disadvantage compared to the privileges now enjoyed by them, but it will, I hope, help the electorate to recognize in some measure their responsibilities in this direction.

CLAUSE 26.

Raja RESHEE CASE LAW: I beg to move that in clause 26(*4*), line 1, for the word "plural-councillor" the word "special" be substituted.

It requires no comment on my part.

Raja RESHEE CASE LAW: I move that after sub-clause 26(*4*), the following be inserted, namely:—

"(*4*) In plural-councillor general constituencies every voter shall be able to distribute his votes among as many candidates as he likes, provided the total number of his votes so distributed does not exceed what he is entitled to, under section 23, and provided further that such voter shall not be able to give to any one candidate more than the maximum number of votes to which he is entitled under section 23 for each councillor to be elected.

Explanation.—In a general constituency in which three councillors are to be elected a voter owning properties whereof the annual value is Rs. 3,500 would have $4 \times 3 = 12$ votes. If there are five candidates he may distribute his votes among all the five candidates, but he shall not be able to give more than 4 votes to any one candidate."

In the amendment as printed the word " or " should be omitted. The object of my amendment is, firstly, that in special constituencies every elector shall have one vote for each councillor to be elected, but in general constituencies every elector shall have as many votes for each of the councillors to be elected as his qualification under clause 23, as amended, would give him. If the principle of plural voting be recognised, this would follow as a matter of course; but at the same time it it necessary that the elector should not have a free hand in disposing of all his votes in favour of any one candidate, for by so doing he would be really exercising a right which the present Act does not give him. I have, therefore, limited his power of giving votes to any one candidate and the illustration that I have mentioned in the amendment makes the extent of limitation clear.

CLAUSE 3.

Babu JATINDRA NATH BASU: I move that the proviso to clause 3(*ff*), be omitted.

My amendment relates to the definition of the word " owner." The word " owner " is defined in this clause and then a proviso is added that for the purposes of elections under this Act certain persons will be deemed as owners. This is absurd. An owner is an owner, and if you add a proviso like this, that is for the purposes of election a person who has such and such qualifications is to be deemed as an owner, you will have to go on adding further provisos laying down that for the purpose of water-rates or license taxes or other matters, an owner must possess such and such qualifications. This is not the proper place for this proviso. Its proper place is in the chapter dealing with electoral rules.

CLAUSE 26.

Khan Bahadur Maulvi WASIMUMUDDIN AHMED: I move that in clause 26(*f*), lines 3 and 4, for the words " but no elector shall give more than one vote to any one candidate " the following be substituted, namely,—

> " and the elector may give as many votes to any candidate as he pleases out of the total number of votes at his disposal."

My object in moving this amendment is to allow some scope to the minority and to the members of a quarter of a particularly big ward which returns more than one councillor. This is a sort of provision for safeguarding the interests of the minority. If the Bill as drafted be passed, then the minority will have no chance of returning a member according to its choice. I will elaborate my point with an example. Say, in a particular ward returning four councillors, there are 100 voters of whom

30 belong to one community. You can reasonably expect that these 30 voters will return one member, but under the system contemplated in this Bill what would be the effect? Those 100 voters will have 400 votes and 30 members will have 120. So, if my amendment is accepted the latter could have returned one member out of the four. But under the present system, when every member has to distribute his vote, they cannot do this because the 70 members can give to their nominees 70 votes while the minority not more than 30 votes. Thus a nominee of the minority will always be defeated by a nominee of the majority. But on the other hand, if 30 voters are allowed to give all their votes to a single candidate, they could have returned one member. In a big city like Calcutta, where the next-door neighbours are often unknown to one another, it is extremely desirable that the people should be allowed to give all their votes to a single well-known candidate who will look after their interests. They cannot do this if they are to distribute their votes. I can also speak of my experience in the Pabna Municipality. Up to last year the Muhammadans always returned one member out of 5 commissioners from Ward No. 1 because they could give all their votes to their own candidate. Thus their interests were safeguarded, but recently they had to distribute all their votes to several candidates because they could not give them to a single candidate. The result is that the Muhammadans who are in a minority could not return a single member. In local board elections also we always experience the same difficulty. In Eastern Bengal, as we all know, Muhammadans are superior in number to the Hindus and if the Muhammadans so wish they can always return Muhammadans to the total exclusion of Hindus. In some places no Hindus were actually returned. Take, for instance, a particular thana where 4 persons are to be returned; there are 40 Hindus and 60 Muhammadans. The 40 Hindus will have to distibute all their votes to the 4 candidates and no candidate will have more than 40 votes, whereas a candidate nominated by 60 Muhammadans will get 60 votes. Thus no Hindu candidate will be returned. I say such a policy ought not to be encouraged. I think every community living in a particular constituency should have a fair chance of returning its own nominee.

Mr. D. C. GHOSE: I rise to oppose all the amendments in favour of the retention of the system of plural voting. The outcry against the abolition of plural voting is based upon the same kind of horror as was expressed years and years ago in England with regard to the result of the Reforms Bill of 1867 that the rich would pay all the taxes and the poor would make all the laws. This distrust of the poor, this desire to keep in the hands of the rich all the powers of Government, is based upon an old antiquated idea, namely, property and aristocracy *versus* the mob. My hon'ble friend, Babu Amulya Dhone Addy, had the temerity to say in the Corporation of Calcutta—

will give you his exact words—" that the introduction of one man one vote would lead to corruption, especially as they were going to lower the franchise from Rs. 24 to Rs. 12 and *bustee* tenants were to be given the franchise." This astounding argument was, of course, immediately challenged by the acting Chairman who interjected—'Is it your opinion that the poor men only are dishonest?" When of course he was faced with a query of that kind from a man of the eminence of the acting Chairman accustomed to skilful cross-examination, Babu Amulya Dhone Addy had to admit and say "not generally." It is surprising that arguments of this character should be advanced in support of the retention of plural voting. As I have already said, these arguments are based upon old antiquated ideas which the experience of countries, where plural voting has been abolished, has shown that they are false notions.

Raja RESHEE CASE LAW: Have you advanced?

Mr. D. C. GHOSE: How can we advance if you do not let us advance? Let me impress upon my venerable friend, Raja Reshee Case Law, that the whole object of extending the franchise or of lowering the franchise will be defeated if we decide in favour of the retention of plural voting, because it is always possible for the rich to combine and defeat the poor.

Raja RESHEE CASE LAW: Not always.

Mr. D. C. GHOSE: My friend, Raja Reshee Case Law, I venture to think, ought to be consistent. If he urges the retention of plural voting then in all consistency he ought to oppose any lowering or extension of the franchise, because I am emphatically of opinion that if you are going to lower the franchise, you defeat the whole object of doing so by retaining plural voting. Well, I have listened, and listened very carefully, to the arguments of my friends, Babu Amulya Dhone Addy and Raja Reshee Case Law, and I confess I fail altogether to understand or to appreciate why the rich, because they pay more taxes, should have more votes than the poor. My friend, Babu Amulya Dhone Addy, in the Corporation of Calcutta asked us to consider the question of joint-stock companies. I will give you his exact language. "In the case of a joint-stock company all the shareholders were entitled to vote in accordance with the number of shares held by them." This is an amazing argument. What analogy is there between a joint-stock company and the Corporation of Calcutta? Is the Corporation of Calcutta anybody's property? What does the Corporation stand for? Why has it been created by Statute? This is all very elementary, but still I must tell my friend, Babu Amulya Dhone Addy, that he is a victim of gross confusion of ideas when he talks of joint-stock companies in connection with representation on the Corporation

of Calcutta. Let me ask my friend, Babu Amulya Dhone Addy, a plain, simple question. Are not the poor equally interested with the rich in the improvement of public health and sanitation of this great city, and if so, why should not the poor be placed in an equal position with the rich so far as the choice of and return of good and proper representatives to the Corporation of Calcutta are concerned? Before I conclude, I should like to read out to this Council some very deep, thoughtf words——

Mr. PRESIDENT: Not a long extract from a book of reference.

Mr. D. C. GHOSE: You have not heard me, Sir.

Mr. PRESIDENT: I only said that it should not be long.

Mr. D. C. GHOSE: I am afraid the effect of my peroration is lo by this interruption. (Laughter.) Let me read out to this Council some very deep, thoughtful and pregnant words used by a great English statesman with reference to the extension of the franchise in England. He said—

> The English nation would lose none of its essential characteristics because this or that set of men were not admitted to the polling both. Its natural leaders would still remain its natural leaders.

I appeal to my friend, Raja Reshee Case Law, to listen to these words. "Its natural leaders would still remain its natural leaders" and "it had always been his contention that the extent and limitation of their authority must depend in the main on their own conduct and certainly would not be affected by any numerical changes in the machinery incidental to the representative institutions." I appeal to my friends, Babu Amulya Dhone Addy and others, who are distracted by doubts and difficulties, to ponder over these words before they cast their votes.

Babu DEBI PROSAD KHAITAN: I feel grateful to Khan Bahadur Maulvi Wasimuddin Ahmed for having brought forward this amendment that an elector may give as many votes to any candidate as he pleases out of the total number of votes at his disposal. We have heard much to-day and if more speeches are made against the amendment proposed by Babu Amulya Dhone Addy, we shall hear further arguments not to allow rich people to have a larger number of votes than the poor people, but the amendment put forward by the Khan Bahadur is a proposition which will help the poor and the minority communities. So far as the minority communities are concerned, the system under which Calcutta is divided into different wards has split the minority communities in such a manner that they are in a hopeless minority everywhere. Taking the case of the Marwari community in particular, about whom I have got correct figures, it will be remembered that while out

the total number of voters, the total number of men living in Calcutta and the total rateable valuation of Calcutta, they come to one-fifth of the total figure on all the three elements of the treble formula, they are in a hopeless minority in each ward and they do not possess more than one-third of the votes in any single ward whatsoever. Similarly, arguments may be advanced in favour of the other communities, viz., the Bihari community, the Punjabi community, the Gujarati community, and all the other communities. If the proposition put forward by Khan Bahadur Maulvi Wasimuddin Ahmed is accepted, these communities will stand a reasonable chance of having some of their number being elected to the Corporation. The Corporation cannot be said to be a representative institution unless a fair number of up-country men are also returned to the Corporation. The Corporation should in fact be a photograph of the population of Calcutta, and it cannot be a photograph of the population of Calcutta unless the minority communities also get elected. Then it helps the poor also. A rich man has much influence. He has influence over a larger number of persons than a poor man can possibly have. Now, if this proposition is accepted, the poor man's friends will be able to accumulate their votes and give their votes in support of the poor man who can be an acquisition to the Corporation. Then, in regard to the taking of voters to the polling station, a rich man can provide a large number of carriages which a poor man cannot. The rich man will provide as many carriages by borrowing, hiring, etc., as he finds them to be necessary to carry the voters to the polling station and in this he has an advantage over the poor man. But if this proposition is accepted, a poor man with his friends and supporters will be able to get a sufficient number of votes. If he is fit to come into the Corporation, he will be able to get his friends to accumulate their votes and they will record all their votes in favour of that candidate and, in spite of the disadvantages of poverty, he will be able to get into the Corporation. As this does justice to the poor and minority communities, I appeal to the Government that they will be pleased to accept this proposition. It does not go against the principle of democracy: rather it supports it. I hope that this proposition in any event will be accepted.

Babu SURENDRA NATH MALLIK: I am sure that Mr. Addy knows that I am bound to oppose him. I like nothing more than one man one vote. Raja Reshee Case Law has said that we must democratise by stages. I quite accept his advice. This is the first stage where one voter should have one vote. The next stage will be "every man, a vote" and that has yet to come. It is a great pity that we could not introduce that principle in the present Act—each man a vote. At the present moment, only one voter, one vote. This is the first stage. The second stage will come later on. My friend has given some reasons in support of his amendment. The first is—why not

more votes for more taxes? Why stop at 12 votes? Why not give Mr. Galstaun ten thousand votes at Bhowanipore on account of the large palace which he has erected there? Let him select any man he chooses there. Thus you make it manifest that there must be a limit. It must be one voter, one vote. I entirely disagree with my hon'ble friend, Raja Reshee Case Law, when he says that a rich man has got a greater stake in the country than a poor man. I am poor. Raja Reshee Case Law is rich by a mere accident of birth. I am a poor man and I am not prepared to admit that my interests in the town are any the less than those of Raja Reshee Case Law or of any other rich man in Calcutta. I take, and have been taking, interest in matters municipal ever since I was 21.

Raja RESHEE CASE LAW: You are an exception.

Babu SURENDRA NATH MALLIK: There are hundreds of exceptions like me. Because one is born poor, is that any reason why you should say that he is not qualified to take any interest in the city? Whoever is there more proud of the city than myself? I object to the statement that because a man is poor, he must necessarily feel less interested; that is absurd!

My friend, Mr. Addy, says that if you do not give more votes to rich men and aristocrats, they will not go to the polling booth. I would not be sorry—nobody would be sorry for it. If a few rich men would not go to the polling booths to record their votes, Calcutta would not be a loser—you can take it from me. Nobody would be a loser. Supposing a few people do not go or think that they are too big to go to the polling booth on the idea that they are rich and that they cannot give one vote when the *gharrywala* gives one vote, that is the spirit which we want to curb. We are opposed to it. This is what this Bill is meant for. This is a most important point in the Bill, viz., one voter, one vote. You must know that this world does not exist for rich men alone.

My friend, Mr. Addy, wanted to justify the present system by saying that it is very old and, therefore, it ought not to be scrapped. I say that it is so old that it is perfectly useless; it is so old that it is almost bent down with age and cannot be of any use to anybody. Much water has flowed down the river Hooghly since 1888 when Sir Henry Harrison suggested it. Well, the ideas in the days of Sir Henry Harrison were in this respect very crude indeed. The world has moved on very fast since then. What we want now is democratization. The ideas of Sir Henry Harrison are not to rule (we are a much better people and a much more advanced people) or to guide us in our municipal affairs. Sir Henry Harrison was the best man of his time. He was a man with very advanced ideas at that time. He was a man who was responsible for

ch of what is good in Calcutta. There is hardly any greater name the list of Chairmen of the Corporation of Calcutta than that of Sir nry Harrison. Do you want to keep back the hands of the clock for time? What an amazing argument that we, in 1923, have got to llow what was laid down by Sir Henry Harrison in 1888. It is well own that he did it under the pressure of landlords and rich men. those days it was not a democratic Corporation. The landlords used rule and still they rule it: that must be admitted.

Raja RESHEE CASE LAW: How much do they contribute?

Babu SURENDRA NATH MALLIK: They do contribute. Ten Raja Reshee Case Laws contribute more than what 60,000 voters contribute, so let all the commissioners be elected by the ten Raja Reshee Case Laws. It is a perfectly preposterous idea. Then one Galstaun has got to send half the number of commissioners in the Corporation because he pays Coroporation rates in a tremendouse large proportion. It is a perfectly preposterous idea.

Mr. PRESIDENT: I am quite sure that the hon'ble member would strengthen his arguments if he did not make personal references.

Babu SURENDRA NATH MALLIK: As to the next point that has been raised—I speak from personal knowledge—that if you give these 12 votes, you reduce the election to a nullity and a farce. I would not name, I would take your direction, and unless I am challenged I would not give out the name. There are members who know that they can reduce the election to a farce if you give 12 votes. According to the present practice, if you get hold of 20, 30, 40 or 60 rich ratepayers, who may be the friends and relations of a rich and influential candidate bring them down within the first half an hour into the polling booth and plump the votes, the poorer candidate has no chance at all. Within an hour, the election is decided. Everybody who goes there to vote for the poor man finds that everything has been done for the rich man. Babu Amulya Dhone Addy knows this perfectly well. Nobody has been able to remove him from Chetla for all these years because of this——

Mr. PRESIDENT: Order, order! I hope that the hon'ble member would not persist in his personal references. It does not strengthen his argument.

Babu SURENDRA NATH MALLIK: I beg your pardon. I beg to withdraw. Take the other point of view: a joint-family vote. Here is a rich man, I will give you an instance, who has got 7 brothers, 27 cousins and 47 grand-nephews—a joint-family between them. What they do is this. They have got 300 friends and relations between them. A and B have been given the property called x, C and D y, E and F z and so on, and they get 10, 11, 5 votes for these properties. They practically

bring down their own relations and friends—*Shahjats*—some of my friends are in the habit of using this word—and plump the votes. There is no use for any other man. I am an influential man, I have got a hundred houses in the locality for which I stand, I have got so many cousins and grand-nephews and things of that kind; all of them come down during the first half hour and plump down 360 votes and there is no chance for any other man. This is how things were done and are being done—it is perfectly well known. The only way of striking at the root of the mischief is one voter, one vote, be he rich or poor does not matter. What is the meaning of these elections? It is choosing the best man. Then again, why my esteemed and hon'ble friend, Khan Bahadur Maulvi Wasimuddin Ahmed, should support the plumping of votes, I do not know. If 30 vote for and 70 against a particular person he has no right to be there. That is the principle of election. My friend, Mr. Khaitan, with all his intelligence and shrewdness, knows this, but stands up on behalf of the Marwaris. It is no question of Marwaris or anybody. We are out here to improve the administration of the Calcutta Corporation and considerable trouble has been taken in framing this Bill. Whoever that man may be he must have only one vote, otherwise the ratepayers will suffer. As soon as you have 12 votes you will find a municipal commissioner always running to the rich men's houses and helping them, but so far as the poor ratepayers are concerned no one would go to their place or even listen to their complaints. I can give you an instance. A Raja or a Maharaja has got extensive properties in Calcutta wanted a road through his properties. Well, the municipal commissioners of that locality began to run to his ouse to help him. It is recorded in the proceedings. Somebody, less fortunate, reported that he went over to the Maharaja, but could not see him All this jumping about and dancing attendance must cease. When a poor man asks for relief you say you have not got the time and leisure necessary to atteud to him. These things must be things of the past. We cannot tolerate this for one moment. We want a purer system and we want a better system. We are out for improvement. It does not matter whether the aristocrats will come or not to the polling booths. Is it only those who by the mere accident of birth have got a mine of wealth and also a lot of properties are competent to take proper steps with regard to the administration of this city and we poor people are not? From every point of view this is opposed to all public policy and I strongly oppose any amendment which aims at giving more than one vote to one voter.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Another instance of a misapplication of ill-digested principles read in English books to circumstances to which they cannot, by any stretch of imagination, apply. Maharajas, Rajas, Rai Bahadurs, Nawabs, Khan Bahadurs flaunt themselves as democrats. Persons, rich with Rs. 70,000 a year or Rs. 40,000 a year in salaries, with luxurious motor cars come and say "we are democrats, we are poor men." Democrats indeed!

I speak not on behalf of aristocrats, not on behalf of poor coolies, I speak on behalf of the great middle class of this country, who have made Calcutta their home, who have settled here for generations. What are the facts of this case? When Job Charnock founded the city of Calcutta, it was the Basaks——

Mr. PRESIDENT: I hope very much that the hon'ble member will not go back to 1690.

Rai JOGENDRA CHUNDER GHOSE Bahadur: It was the Basaks, Lahas, Mullicks, Dutts, Ghoses, Mitters, Tagores, Ghosals, Brahmins and Kayastas, who came and settled here with the British and made this city. We have been living in this city for generations since the British came. It is our city. I want to know what justice there is that millions of up-country men, who come here as mere labourers, coolies, non-resident people like the Japanese and Chinese, people from all parts of the world, from China to Peru, shall be given equal votes. What I am pleading for is this—not a plurality of votes for the rich—but that the resident population of Calcutta should have a predominant vote. I mean to say the non-resident people, birds of passage, but still who pay rates and taxes, are millions in number; we are only about 20,000 men who own houses and lands. We shall be nowhere. Why is it allowed? Where is this state of things allowed? In no country in the world. Go to Australia, they will not allow it. Go to Cape Colony, they will not allow it. Go to Natal, the English there will not allow it. In the United States of America, we read in to-day's papers that they have decreed that no Indian or Japanese shall have the right of citizenship. I want to know what justice is there by which men who come here for, say, a year or two to make their living—adventurers only—should by their votes swamp us. It is all very good to say "democracy." It is a travesty of democracy! Forsooth, it is not democracy, but simply depriving the just rights of the residents of the city of Calcutta. Little learning, they say, is a dangerous thing, and that little learning has been brought to bear upon us to-day and we are the victims of that. We are the resident population of Calcutta, but not the up-country men, coolies, carpenters, shoemakers, and all sorts of adventurers who come here to make their living——

Mr. J. CAMPBELL FORRESTER: Is the speaker quite in order?

Mr. PRESIDENT: I find it very difficult to follow him. But I think that he is speaking from the point of view of the class which own houses in Calcutta.

Rai JOGENDRA CHUNDER GHOSE Bahadur: All these persons and over and above that public women who have been given votes—

these millions will swamp the 20,000 house-owners of Calcutta. What justice is there?

Mr. D. C. GHOSE: Horrible!

Rai JOGENDRA CHUNDER GHOSE Bahadur: Indeed horrible. You are depriving us of our just rights. We made the city what it is with the help of the British. I am not speaking for the rich; I am not speaking for the poor. I can understand "one man, one vote" only if the resident population of Calcutta is allowed this privilege—I will support it with all my heart. That will be reasonable and rational according to the strict principles of socialism. But to say that the non-resident birds of passage will have the predominant vote is not consistent with the principles of socialism.

The Hon'ble Sir SURENDRA NATH BANERJEA: I rise to oppose all these amendments which advocate plural voting. The object of the Bill, as has been pointed out more than once in the course of the debate, is the democratization of the constitution of the Calcutta Corporation. We have reduced the franchise from Rs. 24 to Rs. 12, we have given votes to occupiers paying Rs. 25 a month as rent, and we have given votes to the owners of huts. Will you, in the face of this movement for the democratization of the Corporation, continue this system of plural voting, and swamp the poor voters by the number of votes which the possessors of plural votes will hold? I think that it would be inconsistent with the principle underlying this Bill and, therefore, I am opposed to it. Mr. Mallik has pointed out the mischievous consequences of the system. It reduces some of the wards into pocket boroughs. The rich man with his family connections is able to control the elections in some places. This is a system which must cease under this Bill.

My friend, Mr. Addy, has given us a history of this measure and I am bound to say that this history is misleading from beginning to end. I have just been consulting the records. One of the statements which he had made was that under the Act of 1876 plural voting was given by implication. That is the language of the hon'ble member. I did not quite understand what he meant. There is no plural voting by implication at all. The Act of 1867 did exactly what we propose to do under this Bill, viz., that every owner or occupier having rateable qualifications in a ward shall be entitled to one vote and no more in that ward. That is precisely what we are doing. That statement about plural votes being given by implication is unfounded and inconsistent with the actual facts of the case. We have had placed before us the authority of the British Indian Association and some other Associations in support of the system of plural voting. Let us see what the British Indian Association

in 1888. It so happens that the British Indian Association protested against the system of plural voting when it was sought to be introduced. Not only the British Indian Association, but the Indian Association did the same thing. What is still more striking is that, every Indian member of the Bengal Legislative Council, when the matter of plural voting came up for consideration, protested in the strongest terms against it, and who were these gentlemen? Names honoured among the community, names illustrious in the annals of this Council—Sir Gurudas Banerjea was against it: Dr. Mahendralal Sarkar opposed it: Babu Kalinath Mitter was against it, and last but not least Maulvi Abdul Jabbar, who pleaded on behalf of the Muhammadans, urged that this was a thing which would be disastrous to the interests of his Community. That is the history of the case. Did not my friend know all this? He is a very assiduous student of history. He reads all old literature with the greatest diligence and parades all that before us. Was he ignorant or was he oblivious of these facts? If he was ignorant, he has no right to be our mentor. If he was oblivious, I do not care to make the inference. Well, these are the facts. When this system of plural voting was first started, the Indian community was to a man opposed to it. Has the Indian community now been converted to it? I say—"No." Those who advocated are interested in so doing, because it is to their advantage, benefit, and I will not say, profit, to support it. If you look at the history of the case, if you look at the merits of the question, if you consider the points which have been urged by my friend Mr. Mallik, if you realize the fact which is incontestable that the effect of the system of plural voting has been to reduce some of the wards into pocket boroughs,—having regard to all these considerations, I hope and trust that the House will vote against the system of plural voting. The system of plumping, which it undemocratic and is inconsistent with the principles of the Bill, should also be opposed.

The only proposal that I support is that of Mr. Cohen.

Rai FANINDRALAL DE Bahadur: I beg to move that the question be now put.

The motion that the question be now put was put and carried.

The following amendment was then put and agreed to:—

"That the proviso to clause 3 (47) be omitted."

The amendment of Babu Amulya Dhone Addy (No. 168) was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Bose, Rai Bahadur Jogendra Chunder.
Law, Raja Reshee Case.

NOES.

Ahmed, Maulvi Rafi Uddin.	Khan, Maulvi Hamid-ud-din.
Banerjea, the Hon'ble Sir Surendra Nath.	Khan, Maulvi Md. Rafique Uddin.
Banerjea, Dr. Pramathanath.	Lang, Mr. J.
Banerjee, Rai Bahadur Abinas Chandra.	Mallik, Babu Surendra Nath.
Bentley, Dr. C. A.	Marr, Mr. A.
Bose, Mr. S. M.	McAlpin, Mr. M. C.
Chaudhuri, Babu Kisheri Mohan.	Mitter, the Hon'ble Mr. P. C.
Chaudhuri, Maulvi Shah Muhammad.	Moitra, Dr. Jatindra Nath.
Das, Babu Shishmadev.	Mukerjee, Mr. S. C.
De, Rai Bahadur Panindralal.	Raheem, Mr. Abdur.
Deare, Major-General S. H.	Rahim, the Hon'ble Sir Abd-ur-.
Donovan, Mr. J. T.	Roy, Mr. C. N.
Emerson, Mr. T.	Roy, Mr. J. N.
Forrester, Mr. J. Campbell.	Roy, Raja Manilall Singh.
Ghose, Mr. D. C.	Sen, Babu Mani Lal.
Goode, Mr. S. W.	Stephenson, the Hon'ble Mr. H. L.
Hornell, Mr. W. W.	Stuart-Williams, Mr. S. C.
Huntingford, Mr. G. T.	Suhrawardy, Dr. Hassan.
Karim, Maulvi Fazial.	Villiers, Mr. F. E. E.

The Ayes being 3 and the Noes 38, the motion was lost.

The amendment of Mr. D. J. Cohen (No. 169) was, by leave of the Council, withdrawn.

The amendment of Raja Reshee Case Law (No. 172) was then put and lost.

The amendment of Babu Amulya Dhone Addy (No. 178) was then put and lost.

The amendment of Raja Reshee Case Law (No. 179) was then put and lost.

The amendment of Khan Bahadur Maulvi Wasimuddin Ahmed (No. 180) was then put and lost on a division which was taken in the Chamber, the voting being 8 for and 25 against.

The amendment of Raja Reshee Case Law (No. 181) was then put and lost.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 22nd February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council Assembled under the Provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 22nd February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 84 nominated and elected members.

Government Bill.

The Calcutta Municipal Bill, 1921.

CLAUSE 22.

Babu JATINDRA NATH BASU: I move that in clause 22 (2), line 22, after the word "revision" the word "publication" be inserted.

This is merely a verbal amendment, and I do not want to speak on it.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): To save time I may say on behalf of Government that we accept it.

The motion was put and agreed to.

CLAUSE 24.

Rai Dr. HARIDHAN DUTT Bahadur: I move that at the end of clause 24 the following be added:—

> "(4) The candidate who has been duly nominated shall forthwith deposit with the Executive Officer rupees two hundred and fifty which shall be liable to forfeiture if he withdraws his candidature within 7 days of the date fixed for the election or if he fails to secure at the election at least ten per cent. of the votes cast. Failure to deposit the said amount shall render the nomination void."

Those who are familiar with elections in Calcutta, at least with that transpired during the last few elections will perhaps bear me out

when I say that attempts had been made by some persons to take advantage of the situation by creating what I may term spurious candidates. Attempts, to our knowledge, had been mada to trouble a rich candidate by bringing rival ones only for the purpose of troubling him, and, I may also say, even for the purpose of black-mailing him. If a rival candidate can be obtained without any cost and if he would be absolutely at one's disposal, great advantage might be gained over a real rival. It must be borne in mind that once a man has offered himself as a candidate, he is entitled to employ his agents and these agents have certain privileges and rights which are not ordinarily allowed to others. Suppose I am a candidate. I get hold of a friend and ask him to pose as a rival candidate and at the same time to help me with his election agents whom he will no doubt engage. Such a case has occurred, to our knowledge and in the knowledge of many of us who are familiar with elections in Calcutta. This should be stopped and that is one of the reasons which has prompted me to bring up this proposal before you.

There is another point. Some people find that candidature does not cost them anything—simply to cause fun they place their nomination papers before the returning officer. I will not mention names, but it must be familiar to anybody who has acted as a returning officer for this city. Such things have been tolerated for a pretty long time, but the time has now come when it must be put a stop to. I understand that a similar thing to what I have suggested is already prevalent in England and other places and I understand a penalty is put upon a candidate who cannot prove that he is acting with a *bona fide* intention. I have taken the lead from those countries, and I have suggested in my amendment that we should put a penalty of Rs. 250 upon a candidate who cannot prove his *bona fides* as a candidate. My amendment is quite clear; in its wording I have suggested that if a candidate retires within seven days preceding the election, he will have to pay a penalty. If he retires before seven days there need not be any objection to his withdrawing, but if he withdraws at the last moment, the Corporation will have to undergo the whole expenses of the election and the whole trouble of making arrangements for it; if he retires at the last moment he does so to the benefit of none and should be penalized.

I have put down that he must obtain 10 per cent. of the votes cast. It may be possible that a man may be quite well-intentioned, and at the same time fail to secure a large number of votes. Nothing will justify any quarrel with him for that. But if a candidate cannot obtain or secure at least ten per cent. of the number of votes, we have ample justification to doubt his *bona fide* intention as a candidate. He might send in his nomination papers supported only by 20 electors and then sit still and do nothing to fight out the election.

Let me point out to my friends that the time has come when we should put a stop to this objectionable practice, and in order to do that an amendment like this is necessary.

It has been said by some that a penalty of Rs. 250 might be a deterrent to the poor people who want to contest an election. In anticipation of such a criticism let me point out that the days are fast changing. At the present time we have the party system developing in this city and these parties will very likely carry on these elections. If that be so, they will have to deposit the money. So whether a candidate is rich or poor is not a matter of much consequence. I am disposed to think that a candidate or a party running the candidate which cannot deposit the sum of Rs. 250 is not likely to be in a position to contest an election, for elections are elections and one must not forget that.

It must be borne in mind that the Corporation in making arrangements for election booths have to appoint officers for carrying on the poll; these are very expensive affairs, and if the Corporation is unnecessarily dragged into expenditure, the gentleman for whom such expenses are incurred, should be penalized unless he has ample justification for his conduct.

I have given you in brief my reasons for the necessity of this amendment which I hope will be accepted by Government, if possible.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): On behalf of Government I desire to accept the amendment with a slight change in the drafting. I would substitute the word " a " for the word " the " in the beginning of the proviso. This is a point to which my attention has been drawn for a long time. I was a municipal commissioner myself for a period of 22 years and I am cognizant of the evil to which my friend Dr. Dutt has called attention. I know one or two instances in which people have taken advantage of the absence of a rule of this kind to blackmail candidates who had a chance of success. I have great pleasure, therefore, in accepting this amendment with the alteration I have suggested.

Babu SURENDRA NATH MALLIK: I have only one word to say with regard to this amendment. I have every sympathy with Rai Dr. Haridhan Dutt Bahadur, but there is only one thing which I would bring to the consideration of the mover. I would substitute for the word " forthwith " the words " within three days of his nomination."

The Hon'ble Sir SURENDRA NATH BANERJEA: I accept this modification.

The motion was then put in the following amended form and agreed to:—

That after clause 24(2), the following be inserted, namely:—

"(2a) A candidate who has been duly nominated shall within three days of his nomination deposit with the Executive Officer two hundred and fifty rupees which shall be liable to forfeiture if he withdraws his candidature within seven days of the date fixed for the election or if he fails to secure at the election at least ten per cent. of the votes cast. Failure to deposit the said amount shall render the nomination void."

Raja RESHEE CASE LAW: I move that after clause 24 (*1*), the following proviso be inserted, namely:—

"Provided that in any election such nomination of any one candidate shall not be made in respect of more than one constituency."

The reason for my amendment is that it is not at all desirable in the interests of Municipal election that one candidate should stand for more than one constituency. The clause, as it stands, would mean delay in election in the constituencies in which this contingency would arise. It would also mean unnecessary trouble and expenditure and will not serve any practical or useful purpose.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am sorry that I must, on behalf of Government, oppose this amendment. There is no reason why a candidate, if he chooses, should not stand for more than one constituency. That has been the practice and it has been attended with no inconvenience. I understand also that that is the practice in every country where a system of election for municipalities prevails. I feel it my duty to oppose this on behalf of Government.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to draw the attention of the Hon'ble the Minister that, under the Bengal Legislative Council election regulations, no person is allowed to stand for election for more than one constituency.

Mr. D. J. COHEN: I beg to oppose this amendment. We have already passed amendment No. 173, where we have disposed of men who are, according to Dr. Dutt, really spurious candidates. That being so, I do not think we should stand in the way of a person who thinks that he has equal chances of success in more than one ward. Why should we not allow him to stand for, say, two wards?

Babu AMULYA DHONE ADDY: I beg to support this amendment. If a person is allowed to stand as a candidate for more than one constituency, it would be unnecessary expenditure not only to the candidate but also to the Corporation, and unnecessary trouble to the voters. I may be allowed to say that the Bengal Chamber of Commerce

has expressed its opinion to the effect that no candidate should be permitted to stand for more than one constituency.

With these observations, Sir, I beg to support this amendment.

The motion was then put and lost.

Babu JATINDRA NATH BASU: I move that in clause 24 (*2*), line 4, for the words " under this Act " the following be substituted, namely:—

" under section 19 and clauses (*b*) and (*c*) of sub-section (*1*) and sub-section (*2*) of section 21."

Clause 24 relates to the nomination of candidates and of their election agents. My amendment has reference to the qualifications of election agents. Clause 24 (*2*) provides that on or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person, who is not disqualified under this Act, for appointment as his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made. The disqualifications of an election agent are set out in clause 29, which runs as follows:—

No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-section (*3*) or sub-section (*4*) of section 19

Sub-section (*3*) of section 19 relates to a person being found guilty of corrupt practice in the course of any proceedings under the Corrupt Practice chapter of this Bill. Sub-section (*4*) of section 19 relates to a candidate or his election agent being found not to have complied with the election rules as regards the lodging of the returns prescribed under this Act. Clause 24 as it stands does not preclude a person under 21 years of age, or a person who has been adjudged by a competent court to be of unsound mind, to be appointed an election agent. These are the disqualifications mentioned in clause 19 (*1*). What I have provided is that the disqualifications mentioned in clause 19 should be included in the disqualifications mentioned in sub-section (*1*) and sub-section (*2*) of section 21. That would clearly set out the disqualifications of an election agent. Otherwise it will be possible for a candidate under the clause as it stands to appoint as his election agent one who is a lunatic or an infant.

Mr. S. W. COODE: We would accept this amendment in a slightly different form. I would suggest for Babu Jatindra Nath Basu's consideration that in sub-clause (*2*) of section 24 we should read the words " who is not disqualified under section 29." When we come to section 29 on which the Raja Sahib has a relevant amendment, we can discuss the special point which Mr. Basu has raised.

Babu JATINDRA NATH BASU: I would accept Mr. Goode's suggestion.

The following motion, as amended, was then put and agreed to:—

"That in clause 24 (*2*), line 4, for the words 'under this Act' the words and figures 'under section 29' be substituted."

CLAUSE 26.

Babu AMULYA DHONE ADDY: I move that in clause 26, sub-clause (*2*), line 1, the words "by ballot and" be omitted.

I beg to submit that under the existing Act this is not the practice. Even in the Bengal Municipal Act this is not the practice. So I fail to understand as to why it should be introduced especially when we are giving an extension of franchise to hut-owners and females, most of whom are illiterate. It is therefore desirable that the present practice should be continued; otherwise a great deal of confusion might ensue.

Babu SURENDRA NATH MALLIK: For the very reasons for which my hon'ble friend, Mr. Addy, has failed to understand why this has been put in, for these very reasons I support the idea that it should be there, that is, it must be by ballot. A man must be free to vote and the mere presence of his landlord need not necessarily quell his heart, and need not necessarily make him do what he is not willing to do, and I suppose the latest and the best idea is election by ballot; I do not understand why my friend should ask us to follow the Bengal Municipal Act. I do not for one moment realize it This is one of the best of things that we are introducing in this Bill. We are trying to make the elections purer and better and I am sorry that my friend is against every provision which is likely to lead to that result.

The Hon'ble Sir SURENDRA NATH BANERJEA: I would just point out one matter. My friend says that under the Bengal Municipal Act, the practice is that the vote shall not be by ballot, but it is just the other way. We have introduced by rules the system of ballot and therefore it is in force in connection with elections in regard to the Bengal municipalities. It is a sound and salutary principle which, I think, is universally accepted all over the world in connection with elections of this kind, and I think it ought to find a place in the Bill.

Babu AMULYA DHONE ADDY: Under the circumstances I beg leave to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

CLAUSE 28.

The following amendment standing in the name of Raja Reshee Case Law was, by leave of the Council, withdrawn:—

"That clause 28 be omitted."

Shah Syed Emdadul Haq being absent, the following amendment standing in his name was deemed to be withdrawn:—

"That clause 28 (*1*) be omitted."

CLAUSE 29.

Babu JATINDRA NATH BASU: I move that in clause 29, line 2, the words "himself ineligible for election as being" be omitted.

Clause 29 relates to the disqualifications of a person who is to be appointed an election agent. The clause provides that no person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-section (*3*) or sub-section (*4*) of section 19. I desire to omit the words "himself being ineligible for election as being." With the omission of these words the clause would read thus:—

No person shall be appointed an election agent who is subject to any disqualification mentioned in sub-section (*3*) or sub section (*4*) of section 19.

I beg to submit that it is not necessary that for the purpose of being appointed an election agent, a person should himself be entitled to be a candidate. I think it is sufficient if he does not labour under any disqualificatton, that is to say, if there is no conviction against him or no offence recorded, against him. I beg to submit, Sir, that a person who may not himself stand as a candidate, but who has not certain disqualifications (which may be those that disentitle a person to be a candidate) should be entitled to be appointed an election agent, and a candidate should have authority to appoint him as such. That is why I want to suggest that those words should be omitted.

Raja RESHEE CASE LAW: I move that in clause 29, lines 3 and 4, the words "sub-section (*3*) or sub-section (*4*) of" be omitted.

The reason for my amendment is that, regard being had to the responsibilities, cast upon the election agent, he should be a man who would have no disqualification mentioned in clause 19. It is not desirable that a municipal officer or a minor or a convict should be an election agent and I hope the Council will approve of my suggestion.

Mr. S. W. COODE: As regards Babu Jatindra Nath Basu's amendment proposing the deletion of the words "himself ineligible for election as being," I would point out that as a matter of drafting these words appear to be necessary. I will take a simple illustration. Assume that you have statutory rules dealing with two different subjects, for instance the qualifications of a motor driver and an engine driver, and that the rules relating to the engine driver lay down some standard in respect of his eye-sight. I suggest that as a point of drafting, if you wish to lay down the same standard in your rules relating to the motor-driver, your draftsman will not provide that the motor-driver shall have the qualifications required under the rule relating to engine-drivers. His draft would provide for the motor-driver having the qualifications (laid down in that rule) *which would have made him eligible* for a license *if he had been* an engine-driver. In the same way, you wish here—in the interests of brevity—to make a reference to disqualifications laid down in another connection, and I submit that the drafting is technically correct.

Coming to the Raja's amendment, Government will be pleased to accept that. Babu Jatindra Nath Basu just now, in speaking on section 24, proposed to refer to other sections which provide disqualifications. He wished, in effect, to add to the amendment, which the Raja Sahib has moved, a reference to section 21 (2). I suggest that that is unnecessary since that is merely a repetition of section 19 (3) which is already referred to in the Raja Sahib's amendment, and I think that the Raja Sahib's amendment completely covers the case for which Babu Jatindra Nath Basu wishes to provide.

Babu SURENDRA NATH MALLIK: I beg to draw the attention of the Hon'ble the Minister and Babu Jatindra Nath Basu to election rule No. 15 in the Bengal Electoral Rules. The same language is there.

" No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5. . . ."

Rule 15 is here, clause 29 is there.

The motion standing in the name of Babu Jatindra Nath Basu was then put and lost.

The motion standing in the name of Raja Reshee Case Law was then put and agreed to.

CLAUSE 31.

Babu JATINDRA NATH BASU: I move that in clause 31 (3), line 2, for the word " and " the word " or " be substituted.

Clause 31 provides that certain returns and declarations as to the expenses of elections should be filed on behalf of the candidate after the election. Sub-clause (3) of clause 31 provides "that the return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule 4."

I ask why should the declaration be signed by the candidate and his election agent? It should be signed either by the candidate or his election agent. There is no reason why both should sign it. That is why I want to alter the word.

Rai FANINDRALAL DE Bahadur: I beg to support this amendment.

Dr. PRAMATHANATH BANERJEA: I beg to support this amendment and in doing so I must point out that in the case of elections to the Bengal Legislative Council it is either the candidate or his election agent. I do not see why this innovation should be made here in the case of elections to the Calcutta Corporation.

Babu SURENDRA NATH MALLIK: I would again beg to draw attention to rule 17 (3) of the Council Rules. It is just the same here—

"the return shall be accompanied by declarations by the candidate and his election agent which shall be in the form, etc. . . . ."

Mr. D. J. COHEN: Supposing that is so, is that sufficient reason for getting two declarations? Would not one be quite enough? If the Bengal Council rules are wrong, why should we continue the same thing?

The motion was then put and lost.

CLAUSE 32.

Babu JATINDRA NATH BASU: I move that clause 32 be omitted.

This clause provides that every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in section 31 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Clause 31 already provides that the candidate should keep an account and that such account should be filed by him under certain formalities. Why should regular books of account in connection with the election be required to be kept by the election agent is not clear to me. For instance, a member of a firm is a candidate; his election expenditure would

ordinarily appear in the firm's books, and you can simply have an extract prepared of that account and filed. Why should he or the election agent be compelled to keep a separate set of books for the purpose is not clear to me.

Mr. S. W. GOODE: I suggest that the reply is simply that the statement which is prescribed under clause 31 is a statement which is prepared after the elections is over. But clause 32 provides for regular books of accounts being kept during the course of the election. The former can be fudged; with the latter, this is slightly more difficult.

Babu SURENDRA NATH MALLIK: I again beg to draw the hon'ble member's attention to rule 19 of the Bengal Electoral Rules based on wisdom and experience. That rule provides that "every election agent shall keep regular books of account in which . . . whether such expenditure is incurred by the candidate or by the election agent . . . ."

The amendment was then put and lost.

CLAUSE 34A.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that at the beginning of sub-clause (*1*) of clause 34A, the following be inserted, namely:—

"Notwithstanding anything contained in the Indian Oaths Act, 1873."

This is the oath that we have introduced in this Bill.

Babu SURENDRA NATH MALLIK: In this connection I think I ought to make an application which I ask your permission to make by way of suggestion to the Hon'ble the Minister. It is with regard to the oath. You will be pleased to see that if this form of oath——

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Mr. Mallik, we are now discussing the insertion of the words "notwithstanding anything contained in the Indian Oaths Act, 1873." Do you object to that?

Babu SURENDRA NATH MALLIK: My suggestion was to ask the Hon'ble the Minister to consider whether the words——

Mr. PRESIDENT: We have not come to that yet. We are discussing the question of the insertion of the words "notwithstanding anything contained in the Indian Oaths Act, 1873."

The Hon'ble Sir SURENDRA NATH BANERJEA: Might I just intervene for a moment? My friend has communicated his suggestion

to me. He wants the form of the oath to be modified, on the same lines as those of the Legislative Council. I have great pleasure in accepting it with your permission.

Mr. PRESIDENT: Yes, yes, but when the time comes we shall put that question. At the present moment we are doing something else.

The motion standing in the name of the Hon'ble Sir Surendra Nath Banerjea was then put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move the omission of sub-clauses (*3*) and (*4*) in clause 34A.

Babu INDU BHUSHAN DUTTA: May we not speak on this?

Mr. PRESIDENT: Would you not rather wait till we reach clause 37. We may perhaps wait for that.

Babu INDU BHUSHAN DUTTA: But may we not speak on clause 34A?

Mr. PRESIDENT: Yes, but at the present moment I am just asking the Hon'ble the Minister to put something else before the House. There is no amendment on sub-clause (*1*) of section 34A. There is another amendment on which you will be able to speak on clause 37, when the Kumar Sahib moves his amendment No. 190. That raises the whole question as you know.

Babu INDU BHUSHAN DUTTA: If I rise then, will you allow me to speak?

Mr. PRESIDENT: I said just now I was going to wait until Kumar Shib Shekhareswar Ray's amendment was moved. Do you still want to speak on sub-clause (*1*)?

Babu INDU BHUSHAN DUTTA: No.

The motion that sub-clauses (*3*) and (*4*) of clause 34A be omitted was then put and agreed to.

CLAUSE 35.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that in clause 35, line 6, after the word "determine" the following be inserted, namely:—

> "The said term of three years shall commence from the date of the first meeting of the Corporation fixed under section 69 at which a quorum is present and shall be held to include any period which may elapse between the expiry of the said term of three years and the date of the first meeting of the Corporation fixed under section 69 after a general election at which meeting a quorum is present."

It is in order to provide for an interregnum that we have inserted this clause and I am sure the House will accept it.

The motion was then put and agreed to.

CLAUSE 37.

Kumar SHIB SHEKHARESWAR RAY: I move that clause 37 (*aa*) be omitted.

Mr. PRESIDENT: We shall take sub-clause (*l*) of clause 34 with this.

Kumar SHIB SHEKHARESWAR RAY: This clause runs thus:—"If any person having been elected or appointed a Councillor, or elected an Alderman is declared by the Local Government, by notification in the *Calcutta Gazette*, to have violated his oath of allegiance, such person shall cease to be a Councillor or an Alderman, and the Local Government shall, by notification in the *Calcutta Gazette*, declare his seat to be vacant."

I wonder how the Select Committee could have inserted such a clause vesting such vast powers in the hands of the Local Government. If anybody does violate his oath of allegiance he must do so by some overt act; and the ordinary law of the land is sufficiently wide to drag him into its meshes. He can be prosecuted and punished, and that would be sufficient to remove such a municipal councillor under sub-clause (*a*). Does the Government mean to debar people, even if they be not tried for any offence, even if they be not guilty of any overt act? And even then under the next clause viz., clause 38 which reads:—"The Local Government may, if they think fit, on the recommendation of the Corporation, made after due inquiry in which the Councillor or Alderman concerned shall have the right to be heard, remove any Councillor or Alderman elected or appointed under this Act, if such Councillor or Alderman has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct;" the Councillors as a body have sufficient power to weed out a person who might be deemed by them as guilty of misconduct or disgraceful conduct. In such circumstances is it necessary, is it at all just and fair to vest the Government with such wide, arbitrary authority? Sir, I do not know whether the Government by this means want to put a stigma on people and to punish them after fishing out hidden motives from the dark caverns of the human heart by an equally dark process, viz., by a fiat published in the *Gazette*, without giving the person concerned any opportunity to dispel the dark suspicions against him? Or does by this the Government want to follow with further harassment a person who has already stood his trial and secured an acquittal? Simply because a man is popular, but holds a different political view and is not afraid to speak out his mind and take a bold

stand, doing at the same time nothing unlawful either by word or deed, does the Government therefore want to remove him from his friend of civic activities, by the vague accusation of having broken his oath of allegiance? Sir, it is a pity that any Select Committee could so comport itself as to foist upon our esteemed Minister the extremely disagreable task of defending such an un-British, unconstitutional, retrogade measure. And it is deplorable that such champions of the popular cause as Babu Surendra Nath Mallik and Maulvi A. K. Fazl-ul Haq, who were in the Select Committee and only a few months back were loud in their denunciations of bureaucratic autocracy, could arm the Government with such a weapon and keep it dangling like Damocles' sword over the heads of the Councillors. Sir, in the Legislative Councils where we wield much greater powers for the weal or woe of the country, where our defection from allegiance would be productive of much greater harm than the defection of any municipal councillor, the Government itself posesses no such power and, as far as I understand, there is no such power vested in the Government in respect of the members of the English County Councils or of those of the House of Commons. Formerly, the Government did possess a somewhat similar power of vetoing Council elections and we all remember how the Bombay Government had once by exercising this power vetoed the election of Mr. Kelkar as an undesirable person. Fortunately, we have outgrown that stage, and there is no such rule now and I hope our Hon'ble Minister, who had always stood boldly for popular rights against such inquisitorial powers, would not lend a helping hand to the inauguration of a similar regime. This stilletto being hurled from the dark and giving no previous intimation of when it would and how it would or whom it would strike, would have a terribly demoralizing effect, keeping the Municipal Councillors always in awe of the local Government, debase them and make them cringing to all who might pose as being in the good books of authorities.

Lastly, I would request all to consider that our country is already passing through a political crisis, when there are numerous factions, and party spirit runs high. Is it politic at such a time to enact a measure which can lend itself so readily to abuse? The existence of this clause may even tempt the Government, and the Government itself is not an abstraction, not an impersonal being, to abuse it, favouring some favourite, ousting his formidable rival.

I would request our Hon'ble Minister, and specially our demi-official friend, the acting Chairman of the Calcutta Corporation, whom we see to-day sitting in the gay serried ranks of official benches, to consider this clause carefully in view of their own sweet and past experience of the bureaucracy. I would beg of them not to hatch any hasty conclusion in the present warmth of their official sunshine. Superficial view and a childish trust in an abstract Government may disclose nothing harmful in this clause, but one should not forget the existence of cliques, parties and prejudices and how they dominate even in the highest quarters.

Dr. PRAMATHANATH BANERJEA: The spirit of section 34A is wholly mischievous. There is not the slightest reason why the members of a municipal body should be compelled to take the oath of allegiance. The real object of this clause seems to be to exclude from the Calcutta Corporation persons of a certain political complexion. This section is absolutely unnecessary and its retention will produce great harm. I desire, therefore, to strongly oppose this section.

I desire also to support the amendment which has been just moved by Kumar Shib Shekhareswar Ray. I am strongly of opinion that the section should not find a place in the Municipal Bill, and my reasons are these. In the first place, it is quite unnecessary. The Calcutta Corporation deals with local matters. It does not decide questions of legislative or administrative policy. I do not see how the question of a person's attitude towards the Crown can be relevant to the matters at issue. Suppose, for argument's sake, that a person holds what may be regarded as extreme views on political questions. As a member of the Corporation he cannot do anything which may be dangerous to the peace or safety of the realm.

Secondly, the interpretation of section 34A may lead to considerable difficulty. The oath or affirmation, as it stands, relates not only to allegiance to the Crown but also includes adherence to the constitution, and further extends to the manner of the performance of his duties by a councillor or an alderman. The concluding portion of the section runs thus: "I will faithfully discharge the duties upon which I am about to enter."

Now, what are the duties of a municipal councillor? An elected member may very reasonably think that in many cases his duties consist in opposing executive measures. Government, on the other hand, may be of opinion that such opposition is a violation of the oath. Whose opinion ought to prevail in such a case? In civic life a person ought to be entitled to hold his own independent views on political matters and act in accordance with them, so long as he does not violate the law of the land. But under this clause the executive Government will be the judge of the actions of a municipal councillor.

Thirdly, I am afraid this provision will place very wide powers in the hands of the executive Government. These powers are likely, at least in some cases, to be used in excluding persons from the Corporation whom officials may dislike on account of their independence or because they hold political views different from their own. Our Hon'ble Minister in charge of Department of Local Self-Government was, until recently, a thorn in the side of officialdom. If this provision had then been in existence, who knows if it would not have been used against him? He is quite safe now, at least for so long as he sits on the official bench. But there are people who still hold views similar to those once held by him. Is it inconceivable that men of independent judgment

may, occasionally at least, be excluded from the Corporation by officials with the help of this section?

Lastly, I wish to point out that that this is an innovation. When any new matter is sought to be introduced, every good and substantial means must be shown in its favour. Has any occasion arisen for inserting this provision in the Calcutta Municipal Bill? I submit that you can safely rely on the sense of honour of the councillors not to violate their oath. I may add in this connection that there is no such provision in the constitutions of local bodies in England. Our self-governing institutions are supposed to be based on the English model. And I do not see why there should a departure from the English system in this respect.

I should like to refer the members of this Council to a proposal made in another province. Some time ago, an attempt was made in the United Provinces to make a similar provision——

Mr. PRESIDENT: We need not go into that, Dr. Banerjea. I think you have got a good-enough case without going to the United Provinces for an argument.

Dr. PRAMATHANATH BANERJEA: All right, Sir, I shall drop it. I do not know what attitude will be taken up by the Hon'ble the Minister in charge of Local Self-Government towards this question. But I would earnestly request hon'ble members to oppose section 34A or at least to accept the amendment moved by Kumar Shib Shekhareswar Ray.

Babu INDU BHUSHAN DUTTA: An oath of allegiance is a very sacred thing. And I, for one, would be very sorry to have it brought into the Municipal Corporation which is not a political body at all. Sir, in this Legislative Council we are dealing with constitutional matters; we are responsible for the making of laws and we discuss political matters, and so it may be necessary to have an oath of allegiance here. But in a Municipal Corporation we deal only with local matters and I cannot comprehend why the oath of allegiance should be dragged there. There, we deal with matters of street repairs, lighting, conservancy arrangements, etc. These are the main functions of the Corporation; and I do not see why an oath of allegiance should be brought in there. Sir, in this country, we have been importing all our institutions from England and I think, Sir, you will bear me out when I say that in the London County Council no such provision for an oath of allegiance exists. The London County Council is, I understand one of the best managed and best administered County Councils in the world; and we could take a leaf out of that institution. There is no provision for oaths there. Why have it here? Sir, there was no provision for an oath of allegiance in the original Bill. It did not enter into the head of the

Legislative Department to put it in, and I cannot understand why the Select Committee has put this in. Was it because of an unholy desire to keep out the non-co-operators from the Calcutta Corporation? Sir, whatever may be the politics of the non-co-operators, I can say from experience that they have done excellent work in many local bodies, they are very admirable workers and I am sure that their presence in the Calcutta Corporation would be an acquisition to that body. In view of this, I think, Sir, section 34A ought to be deleted.

Further, I should like to support the amendment of my hon'ble friend, the Kumar Sahib. Are you going to start a system of espionage on the members of the Municipality to find out whether they have infringed any of the provisions of the oath of allegiance? Cannot you trust them—the elected representatives of the people—to act up to their oath of allegiance? If you cannot trust to their honour then what would be the state of affairs of the country? It is an insult to the people and their representatives to say that these latter may not keep to their oath of allegiance, once they have taken it. Then, Sir, you are going to give, as has been pointed out by my friend, Dr. Pramathanath Banerjea, absolute powers to the Government to hound out a member by means of this section. Who is going to decide whether all the provisions of the section have been fulfilled? I certainly think that dabbling in politics, which is different from the politics of the Government, may be regarded as not keeping to the provisions of the oath; and as the Government is an interested party, I think it would be impossible for them to do justice to their political opponents. Therefore, I maintain that the Kumar Sahib's amendment ought to be accepted, if the main provision of the oath be not deleted.

Mr. F. E. E. VILLIERS: In spite of the altruistic assiduity with which hon'ble members in that corner have been watching over the possible misfortunes of their brethren, I really cannot see what all the pother is about—the clause which certain members wish to delete merely says that if anybody *has been* notified in the *Calcutta Gazette* as having violated his oath of allegiance to the King-Emperor he shall not be allowed to act further in the capacity of a city father—and, indeed, why should he? Is the breaking of the oath such an insignificant matter that no account need be taken of it?

In his speech, Sir, the Kumar Sahib has put forward various reasons why, in his opinion, the clause should not be allowed to stand—and one of them seems to be that he fears that the Corporation will turn into a kind of Ku-Klux-Klan which will spend its time seeing how it may entrap people into breaking the oath of allegiance. Then, again, he seems to think that it will stifle all difference of opinion, lest, haply, someone be accused of uttering words which were not consistent with the oath. I think these reasons hardly merit a serious reply.

Then, again, he fears the power which will thereby be given to the bureaucracy. I do not quite know, Sir, what the hon'ble member means by these words, for I was under the impression that we had replaced the bureaucracy—we cannot have it both ways—we cannot both keep the bureaucracy as a peg on which to hang the misdemeanours of the country and Government, and at the same time say that we are the Government! As things are, I hold that the bureaucracy is virtually a thing of the past, and that the work which is being carried on in these Councils is converting the theory into a fact, that we are gradually getting in this country government of the people, by the people, and for the people.

Dr. Pramathanath Banerjea puts forward the argument that a clause such as the one under discussion is not found in the London County Council. Sir, I think we are getting a little tired of so constantly being reminded what is or is not done by others. I cannot conceive that it is a matter of any interest to us what is done by the London County Council, or for the matter of that, by the Madras, United Provinces or any other Council, we are the premier Province of India and this, as such, is the premier Council of India and, as such, I think we should do well to judge things on their own merits and not by the light of what others say or think.

Mr. PRESIDENT: Before we proceed any further, I would like to point out that there is no amendment on the paper to delete clause 34A. The amendment under discussion is an amendment to sub-clause (*aa*) of clause 37 which seeks to remove disqualification for violating the oath of allegiance.

Babu INDU BHUSHAN DUTTA: Cannot we object to the oath of allegiance in this connection?

Mr. PRESIDENT: We are now discussing an amendment for which notice has been given. I have permitted a general discussion so far, but there is no amendment on the paper to delete the clause relating to the oath. Therefore, the position is that no objection has been taken to the oath of allegiance but only to the disqualification for violating that oath.

Babu INDU BHUSHAN DUTTA: May I know, Sir, whether the clause 34A will be generally put as forming part of the Bill?

Mr. PRESIDENT: I do not know whether you were present when this Bill was taken up or you would have heard me say that I proposed at the end to take the motion that the Bill as settled by the Council be passed. You can, if you please, oppose the whole Bill on that occasion if you think you will gain by it,

Babu SURENDRA NATH MALLIK: I am very sorry to say that some of my hon'ble friends have lately developed a definite proclivity of attacking me personally with regard to my present post in all sorts of matters. I admit that they have grounds of their own. But I would tell my friends that I am afraid that by repeating such observations over and over again in season and out of season, the real genesis of these attacks is wholly exposed, the cat comes out of the bag not much to the credit of those gentlemen. As regards Kumar Shib Shekhareswar Ray's remark in which he calls me his demi-official friend, I do not know whether it proceeds from the ignorance of the language on the part of the writer of his manuscripts or it was meant to be a pungent joke which has fallen very flat and has not succeeded in evoking even applause for him at the time.

It will be seen, Sir, that I had already objected to the form of the oath as will appear from my note in connection with clause 34A. I had your kind permission to draw the attention of the Hon'ble the Minister to this and in the course of my remarks I drew his attention to the oath administered in the Council which reads "I will be faithful and bear true allegiance to his Majesty the King, Emperor of India, his heirs and successors, and that I will faithfully discharge the duties of my office upon which I am about to enter," while there are some more additional words in our oath, namely, "I will adhere to the constitution by law established in British India." These words to my mind are unnecessary and they may be the cause of considerable irritation and, therefore, I requested the Hon'ble the Minister to remove those words as well as the explanation which refers to the term "constitutional means." Sir, it is very difficult to make out what are constitutional means. Many eminent Judges have said that it would be very difficult to find out how far one has gone in taking constitutional means for securing alterations in the method of Government and I am very much thankful to the Hon'ble the Minister for accepting my suggestion. I also think that if my suggestion is accepted, then the amendment under discussion would be unnecessary. The real objection is where it says that one must adhere to the constitution by law established in British India.

Kumar SHIB SHEKHARESWAR RAY: Has the Chair given permission to Mr. Mallik to move an amendment?

Mr. PRESIDENT: I am afraid, Kumar Sahib, you were not following Mr. Mallik. He was not moving an amendment but he was suggesting to the Hon'ble the Minister to accept the omission of certain words. The Hon'ble the Minister himself declared that he was going to move for the omission of those words when the time came for it.

Kumar SHIB SHEKHARESWAR RAY: My point is this. The The suggestion to change a certain clause comes to moving an amendment. There is very little difference. It is only a difference in phraseology. And this right has been denied to us.

Mr. PRESIDENT: No right has been denied to you, Kumar Sahib. Anybody can make a suggestion, which the Hon'ble the Minister may or may not accept.

Babu INDU BHUSHAN DUTTA: May I suggest to the Hon'ble the Minister that clause 34A be omitted?

Mr. PRESIDENT: I am afraid we cannot spend the afternoon discussing points of order. Hon'ble members in that corner ought to know what the position is. I explained it distinctly.

Babu SURENDRA NATH MALLIK: I am sorry that my preliminary observations have caused so much disturbance in the minds of the Kumar Sahib that he could not understand what I was talking about. I was only appealing to the Hon'ble the Minister that if these two portions are withdrawn, clause 37(*aa*) will no longer be objectionable at least from my point of view, because I understand these are portions which may be used to the detriment of a person whose political views are not the same as those held by the authorities. I am sure that if these two portions are left out then there will be no objection to clause 37(*aa*), and, therefore, I again humbly beg the Hon'ble the Minister to accept my suggestion.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I am not at the present moment, concerned with section 34A, with regard to which it appears that no amendment has been moved. So, I think, if the Bill as a whole is accepted, then the "oath" remains. Now what we have got to consider is whether sub-clause (*aa*) to section 37 should stand or be altogether omitted. Sir, apart from any personal question, apart from any spirit of a fling at any individual member of this Council or the Hon'ble the Minister, I think, as a matter of caution, this sub-clause should be omitted. It lays down that if any person having been elected or appointed a councillor, or elected an alderman, subsequently becomes subject to any of the disabilities as stated in the clauses, he may be declared, by the local Government, by notification in the *Calcutta Gazette*, to have violated his oath of allegiance and thus removed from his position as a councillor or alderman. I am afraid this is placing too much power in the hands of the Government. The Local Government is in all fairness bound to hold an inquiry, or bound to give some reason for coming to the conclusion that a particular councillor has violated his oath of allegiance. The very fact of a simple declaration in the *Calcutta Gazette* will put an end career of a Councillor, is, I think, too drastic and ought not to stand there. I fully endorse the view that if the oath of allegiance remains, then, of course one who is proved to have violated the oath, is bound to go. Of course this violation must be proved. The public ought to know as well as the councillor how, and in what manner, he had

violated the oath. It may also so happen that the local Government may be induced for political reasons to declare a certain councillor to have violated his oath of allegiance.

With regard to the reasons for making that declaration in the *Calcutta Gazette*, I think the amendment of the Kumar Sahib should be accepted by the House,and I submit, if it is proved that a councillor has violated his oath of allegiance in a particular manner, he can be removed by a final order from the local Government and there must not be any loophole for any underhand way. Under these circumstances, I am quite agreeable to support the amendment of Kumar Shib Shekhareswar Ray that sub-clause (*aa*) to section 37, be altegether omitted.

Maulvi EKRAMUL HUQ: I rise to support the amendment. The world movement is now towards democracy. As in other countries so in this, there are many parties formed, such as the Nationalists, the Liberals, the Conservatives, and there are also parties of *Jo Hokums* and the Self-seekers. With the Reforms, all these parties have been afforded an opportunity of coming into contact with one another and with the officials, and have the oportunity to press their views on the public bodies of which they become members. With this clause standing in Statute Book, as has been pointed out by the Kumar Sahib, the Sword of Damocles would be hanging on the heads of those persons who have the audacity to give free vent to their feelings and sentiments, for who knows, a bad official egged on by a Self-seeker and with an apology for an inquiry may cause their names to be removed by publication in the *Calcutta Gazette*. Sir, at the present moment what is wanted is this, that every opportunity should be given to all parties to express their views, and it is after discussion that matters should be decided. As I hold that opportunities should be given to all persons to fearlessly express their honest opinions, a clause like this standing in the Corporation Act will not benefit the Corporation in the least degree. Sir, I think, if the Hon'ble Minister, our leader, were out of the Council I am sure he would have in a public meeting raised his voice to protest against the inclusion of such an item in this Bill. Further, does such a clause exist in the India Act and does it mar the activities of the members of the Council? Then, why should such a clause form part of the Calcutta Municipal Bill? To my mind, the law of the land, as it stands, is quite sufficient to debar persons who are undesirables from coming into the Corporation.

The Hon'ble Sir SURENDRA NATH BANERJEA: I accept the suggestion of my hon'ble friend, Mr. Mallik, that the clause should be amended in the way he suggests, viz., that the reference to the adherence to the constitution should be omitted and the clause placed upon the same footing with the clause which regulates the oath of members of the

Legislative Council. I accept the formula of the Legislative Council in respect of the Calcutta Corporation.

You have ruled that the question of the oath is not the subject of discussion, no amendment having been moved in regard to it. Despite this fact I wish to justify before the House the necessity for an oath of this kind. Will my friends who have been so loud—so boisterous, so clamant in their protest—will they deny that at the present moment there is a party out for the purpose of wrecking the local bodies and the Councils by securing admission into them? Can they, with their hands on their hearts, deny that we have at the present moment a party which have made a solemn public declaration that they desire to enter the local bodies and the Councils? And what for? For the purpose of wrecking them, for the purpose of destroying the Reforms. That, Sir, is the necessity for the oath in the Bill. This ought to be sufficient for all those who are protesting against the insertion of the oath in the Municipal Bill. Reference has been made to the London County Council. The London County Council may be our guide in many matters, but it is not confronted with the situation such as we have to face.

Then, Sir, some of my friends are very eager to take broad views of things, to look around the world and to refer to historic instances. Are they aware of the history of the Test Acts in England, the object of which was to exclude undesirables from taking part in public affairs? They have probably forgotten that chapter in the history of England.

Then, Sir, it has been said—I am also surprised that this should have been said by Dr. Banerjea—that if a thing of this kind is on the Statute Book, opinions are likely to be persecuted. Even in times of great excitement, in the darkest days of non-co-operation, were opinions ever persecuted even by the bureaucratic Government? Is not there a party at the present moment in the country which is out for independence, for absolute disruption of the connection with the Empire? Have they been persecuted? Not at all. Government recognizes that it is a legitimate opinion which, if ventilated according to constitutional means, ought not to be, and should not be, interfered with. I do not think there is the ghost of a chance of any opinion, be it of the most extreme type, being persecuted by any Government, much less by a reformed Government. Therefore, Sir, that plea of the persecution of opinions is absolutely unfounded and may be dismissed as unworthy of consideration.

Then, Sir, it has been said that the Local Government in the cloistered seclusion of the Secretariat may make a declaration. The Local Government will do nothing of the sort. The Local Government will act upon the basis of overt acts proved after due enquiry—nothing

less than absolute proof of such acts after adequate investigation will satisfy the local Government.

Here is this statement which I make as a responsible Minister of the Government that, in cases of this kind, Government will proceed upon the basis of overt acts proved after due, adequate, and full investigation in which the person concerned will be afforded the amplest opportunity of vindication. That ought to satisfy everybody in this House.

Now I come to the last point which I think is decisive in this consideration. Who is the Local Government in this case? Who is the Local Government that is to make a declaration? The Local Government will be the Minister in charge of Local Self-Government. He will be a person who is the servant of this Legislative Council—he will be a person over whom the Legislative Council has supreme sovereign authority; he will be a person whose conduct is liable to be reviewed by this Legislative Council; and he is a person who may be censured and even dismissed by this Legislative Council. Therefore, Sir, you have in your own hands the weapon for reviewing any unjust decision that may be passed in this connection. You will be the final supreme authority in this connection—the board of appeal—which will decide whether the declaration should be made or not. These are ample and sufficient safeguards which ought to allay the suspicion or the fears of the most sceptical. I hope and trust that after the explanation I have given the clause of oath, as amended, will be accepted and the Kumar Sahib's amendment rejected.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I was prepared to accept clause 34A as it stood before. The amendment accepted by the Hon'ble the Minister puts a very different complexion upon the matter. The note of explanation—"A person who by constitutional means endeavours to make changes in the constitution shall not be deemed to have thereby violated the oath of allegiance and of adherence to the constitution"—was a perfect safeguard. That safeguard having been removed I have no option but to support the Kumar Sahib's amendment. This explanation and the other provision must have been inserted in the section by the better judgment of the Hon'ble the Minister, but I do not know why he takes away the safeguard now. Clause 37(*aa*) says "declared by the Local Government, by notification in the *Calcutta Gazette*, to have violated his oath of allegiance." The Hon'ble the Minister says "the Local Government" means "the Minister in charge." I have studied the provisions of the regulation and I do not read it in that way. In these political matters, I believe, the entire Executive Council, including the Minister also, will be the Local Government with the Governor at its head. Therefore, that argument that the Minister in charge is responsible to us whom we can dismiss—

The Hon'ble Sir SURENDRA NATH BANERJEA: May I just point out one thing to my hon'ble friend? Cases of this kind never go up to anybody except myself; and the final orders are made.

Rai JOGENDRA CHUNDER GHOSE Bahadur: As regards political matters I shall be very loath to accept the dictum of the Hon'ble the Minister, and furthermore, I know even the Minister in charge is not amenable to us and is not responsible to us. We are in a great minority. He has got men at his back, Europeans and Indians, who not only support him but insult us.

Mr. PRESIDENT: I would ask you, Rai Bahadur, not to pursue that line of argument: it is absolutely irrelevant to the matter under discussion.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I submit that that argument of the Hon'ble the Minister that he is responsible to us and we can dismiss him does not hold water. Now, Sir, this clause as it stands is against all principles of law—"is declared by the local Government, by notification in the *Calcutta Gazette*, to have violated his oath of allegiance." No man, however criminal he may be, can be proceeded against in this fashion without a trial at the sweet pleasure of, say, the Minister in charge. What guarantee is there that he has been rightly declared to have violated his oath of allegiance? Will he be given a chance for explaining his conduct? Will he be able to adduce evidence that he is not guilty? It is worse than the Star Chamber. I say this is wholly indefensible in law. No such procedure is known in this country according to the best traditions of our law courts. Why introduce this arbitrary measure here? Even in the case of Goondas when you declare a person to be a goonda, you have a tribunal to judge him whether he is a goonda or not. Here who is to judge that he has violated his oath of allegiance? The Local Government and the Minister! A person who has violated his oath of allegiance has been placed in a worse position than a goonda. This is wholly indefensible, specially after the omission of the explanation to clause 34A.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I had no mind to take any part in this debate, but after what the Hon'ble the Minister has said I should like to say only a few words. The Hon'ble the Minister has said that there is a party out in the country to wreck the Reforms. Well, we have of late heard much about the non-co-operation movement, but so far as I am aware—and I read the papers regularly—I do not think that these non-co-operators have ever thought of wrecking these local bodies. They have always said that they would enter the municipalities and district boards and loyally co-operate with the people.

It is only with reference to the Council that they have said—"We shall enter the Council and try to mend it and, if we cannot mend it, we shall end it." That is what they have said. But as regards local bodies up to this time, if my reading of the politics of the day be correct, they have never said that we will try to wreck these local bodies.

The Hon'ble Sir SURENDRA NATH BANERJEA: May I point out that the most prominent non-co-operator of Midnapore has wrecked all the union boards in that district?

Mr. DEPUTY-PRESIDENT: That may be true because the Hon'ble the Minister is in possession of more information than ourselves, but we are regular readers of the newspapers of the day, and I have not up to this time seen mentioned in one single paper that the non-co-operators are trying to wreck the local bodies. That being the case, I really cannot understand why this innovation should be introduced in the Calcutta Municipal Bill. The result of introducing such a clause in the Bill would be that those non-co-operators who want to loyally co-operate with the people and with the Government will gradually try to wreck the local bodies also. That will simply add fuel to fire. My own opinion is that if you let them alone, the non-co-operation movement will die away as it is now dying away gradually. But if you add fuel to fire, the result is known to everybody. So I think this clause ought not to stand as it is.

Mr. D. C. GHOSE: The Deputy-President has, in his speech, told us that he is a regular and constant reader of newspapers and his reading of newspapers has persuaded him to think that there is no justification whatever for the introduction of a clause like 34A. Well, Sir, I am surprised that the Deputy-President should have said that, because it is well known that during the height of the non-co-operation agitation various local bodies came forward to give addresses of welcome to men who had declared open war, open rebellion, against the King-Emperor. Well, Sir, the time has come to say definitely—one way or the other—whether we shall remain within the Empire or outside the Empire, and if local bodies are to be used for purposes other than for which the statute has created them, then, I think, something ought to be done to prevent misuses of the local bodies by mischief-makers.

Then I also fail to understand what my friend Rai Jogendra Chunder Ghose Bahadur means by saying that all safeguards have disappeared by the acceptance of the Hon'ble the Minister of the valuable suggestion of my friend, the acting Chairman of the Corporation of Calcutta. What the acting Chairman suggested was that the oath to be taken in the Corporation of Calcutta should be the same as that taken here in this Council, and he suggested that the words appearing on page 27 following the first two lines should go, namely, "that I will adhere to the constitution by law established for British India, and that I will

faithfully discharge the duties upon which I am about to enter." Since these words disappear it follows that there is no necessity for keeping the Explanation at the bottom of clause 34A which says—"A person who by consitutional means endeavours to make changes in the constitution shall not be deemed to have thereby violated his oath of allegiance and of adherence to the constitution." Well, Sir, what is our explanation here? We take the oaths here, but by taking it we are not prevented from expressing anykind of opinion that we desire. All kinds of opinion are tolerated here; even opinions worthy of Bedlam are tolerated here. What is the harm? What is the fear? I therefore venture to think that there has been a storm in a tea cup, and I think the House will be well advised in accepting the suggestion which has been made by my friend, Mr. Mallik, and accepted by the Hon'ble the Minister.

Maulvi RAFI UDDIN AHMED: I beg to support the amendment of my friend Kumar Shib Shekhareswar Ray. In my opinion clauses 34A and 37(*aa*) are not necessary. It has been very lucidly explained to this Council by my friend, Dr. Pramathanath Banerjea, that clause 34A is not necessary. If this is not necessary there is no necessity also for clause 37(*aa*). If there is no head, there is no fear of a headache. Even if this clause 34A is there, the clause 37(*aa*) should be omitted. My friend, the Chairman of the Corporation, has suggested the omission of certain portions of clause 34A. Even then in my opinion 37(*aa*) should be dropped.

Mr. D. J. COHEN: May I rise to a point of order? The Hon'ble member is referring to clause 34A, but the amendment is with regard to clause 37(*aa*) and not 34A.

Mr. PRESIDENT: Maulvi Sahib, I heard you referring to clause 34A, but the amendment now before the House is with regard to clause 37(*aa*) and not 34A.

Maulvi RAFI UDDIN AHMED: These clauses are an innovation. It is a wonder that our popular Minister, so long a champion of the rights and liberties of the people, should now be so changed as to throw us overboard into the hands of the bureaucracy. Our Minister has told us that the matter will be dealt with by the Government through the Minister in charge. And we may not have the good fortune of his advice in the near future, and a Minister in charge is not infallible. Even the judgment of the highest judiciary in this province has been found fault with by a superior authority. We know what great power there is in us and the whole country has seen our power. The less it is invoked the better.

Clause 37(*aa*) in short says that on the mere suspicion of violation of oath of allegiance a municipal commissioner may be removed by the local Government. The idea is preposterous. This appears to me to

be another Goondas Bill. Even there, a goonda has got some protection, but there is no such thing in the Calcutta Corporation. We have great faith in the British administration of justice. Even its worst enemy has received a trial in open court. The case of Mahatma Gandhi and Arabindo Ghosh are still vivid in our mind. We know of the case of Amir Khan, the Wahabi leader. He was given a trial in open court. Let a man be first adjudged guilty and then hang him, and not after hanging him find guilty. Such a penal clause is not even attached to the membership of this Council or other higher Councils of this country, far less in any other country. The rules in these Councils are to be the models for the Corporation. This clause may appear very high sounding and polished in the estimation of the Government, but in the long run it will be disastrous to Government. This clause presupposes that the councillors are to be very goody-goody fellows always yielding to the opinion of the Chairman without the least intention of opposing and thus criticising the measures of the Corporation. Critics are, as you know, better friends than sycophants. If Government wants to do away with critics its head is liable to be spoiled very soon by the mean flattery of its supporters, and evil rather than good will be the result. So I would humbly advise the Government to drop such a clause.

Professor S. C. MUKHERJI: Violation of an oath of allegiance to the King-Emperor is a very serious thing, and it is so serious that it ought to be dealt with with all possible seriousness. It is the interpretation of the Hon'ble the Minister that makes me feel that clause 37(*aa*), is a dangerous provision, because his interpretation makes that clause mean that the determination of the violation of a man's allegiance depends upon the unfettered discretion and judgment of the Minister himself. No one is infallible in this world, and however exalted the position of the Minister may be, he cannot claim infallibility in a matter like this. I could have swallowed the expression "the Local Government" if it meant the considered judgment of a body of people representing Government, but with the kind of interpretation that has been put upon it by such a responsible and august personage as the Hon'ble the Minister, I feel inclined that if that be the right interpretation of that clause, that the sooner it goes the better. Violation of an oath of allegiance is a crime, is an offence, and I do not see any reason why such a man should not be dealt with by a court of competent jurisdiction. That will give full satisfaction not only to the man himself but to the whole country.

I fully admit that there is a tendency in the country just at present to wreck the Reforms. I know there are people who are (they have not concealed their intention in this matter) trying to paralyse the Government, and I do not see why the Government should not take the necessary action. At the same time I do not see why such an undemocratic

provision should be introduced in such a democratic piece of legislation. I consider this to be not only undemocratic but absolutely autocratic that a thing like this should be relegated to the judgment of one person, however, exalted that person may be. In the light of what has fallen from the Hon'ble the Minister, I feel obliged to support this amendment.

Mr. S. W. GOODE: I am desired by the Hon'ble the Minister to suggest an addition to the clause which he hopes will meet all the objections which have been raised by some members. Rai Nibaran Chandra Das Gupta Bahadur, for instance, referred to the absence of any safeguard in this section. He thought it very desirable that some provision should be made for an inquiry and that it should not be left entirely to the discretion of the Minister. The Minister will be glad to meet that point of view by the insertion of the following words:—" Any person who is declared by the local Government by notification in the *Calcutta Gazette*, made after due inquiry in which the councillor or alderman concerned shall have a right to appear."

There is one other point raised by Rai Jogendra Chunder Ghose Bahadur. He seemed to think that the force of section 34(*a*) has been accentuated by the removal of the Explanation in accordance with Mr. Mallik's suggestion. Mr. Ghose forgets that the Explanation loses much of its force if you delete the words which the Hon'ble Minister has agreed to remove on Mr. Mallik's suggestion. But if it would ease the minds of any hon'ble member, the Minister would have no objection to the Explanation standing. It will not be entirely irrelevant if the last six words are deleted.

The net result would be this. The Minister with your consent proposes to remove from sub-clause 1, the words to which Mr. Mallik took exception, and secondly, to meet another opinion which has been voiced, he would retain the Explanation with the deletion of the last six words; and finally, to meet another point of view, he would insert in clause 37 the words which I have already read out to the House

Mr. PRESIDENT: I shall first of all take up the alteration in clause 34A. The question is that in Clause 34A (*f*), the words " and of adherence to the constitution " in line 5, be omitted; and further, that in lines 11 and 12 the words " that I will adhere to the constitution by law established for British India " be omitted; and the last six words of the Explanation at the end of that clause be omitted.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that after the word Gazette in the second line of sub-clause (*aa*) of clause 37, the following words be inserted, viz., issued after due inquiry in which the councillor or alderman concerned shall have a right to be heard."

Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir, I appeal that my amendment should be put first.

Mr. PRESIDENT: Did you not accept the amendment read out by Mr. Goode?

Kumar SHIB SHEKHARESWAR RAY: No.

The amendment standing in the name of Kumar Shib Shekhareswar Ray was then put and a division taken with the following result:—

AYES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Maheoob.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Barma, Rai Sahib Panchanan.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Shah Muhammad.
Dese, Rai Sahadur Pyari Lal.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Janah, Babu Sarat Chandra.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Makramali, Munshi.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Rishi, Babu Rasik Chandra.
Ray, Babu Jogendra Krishna.
Ray, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Sarkar, Babu Jogesh Chandra.

NOES.

Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Bentley, Dr. C. A.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Das, Babu Shishmadev.
Dat, Gupta Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Fanindralal.
Deare, Major-General B. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Harnett, Mr. W. W.
Huntingford, Mr. G. T.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur af Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhen.
Mullick, Babu Nirode Behary.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Roy, Mr. G. N.
Ray, Mr. J. N.
Ray, Raja Manilall Singh.
Sen, Babu Mani Lal.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. Hassan.
Travers, Mr. W. L.
Villiers, Mr. P. E. E.

The Ayes being 33 and the Noes 40, the motion was lost.

The amendment standing in the name of Mr. S. W. Goode was then put and agreed to.

Mr. PRESIDENT: I now call on Raja Reshee Case Law to move his amendment No. 191.

The Raja not being in his seat, Mr. President called on Mr. Abdur Raheem to move his amendment No. 192.

Mr. ABDUR RAHEEM: I move that at the end of clause 37(c) the words " in any court, Tribunal or Committee " be added.

This clause makes it a disqualification if a Councilor is retained or is employed in a professional capacity in connection with any case or matter to which the Corporation is a party. It is not quite clear whether this will apply to proceedings before Corporation committees. Not unoften, though rarely, Commissioners appear before Corporation committees, as, for instance, before the Roads and Buildings Sub-Committee in building cases and before the Appeals Sub-Committee in appeals. It is not clear whether the clause as drafted would disqualify such councillors. I am anxious that councillors should keep out in all matters in which the Corporation is a party, wherever they may be—whether in a committee of the Corporation, or in a Court of Law or in a Tribunal of the Improvement Trust. I, therefore, move the addition of the words "in any Court, Tribunal or Committee" at the end.

Mr. PRESIDENT: Raja Sahib, when I called out your name, you were not here; but you can speak on amendment No. 192. I think that it will meet your point.

Raja RESHEE CASE LAW: The object of my amendment was not to deprive the Corporation of the help of expert legal knowledge on its own behalf if it finds one brilliant legal luminary amongst its councillors. There is no reason why the Corporation should not take his help without prejudice to his right as a councillor. Further, in fighting for oneself in a Court of law against the Corporation, a councillor who happens to be a member of the legal profession should not be made to forfeit his right as a councillor. This would obviously be unjust. What the Corporation can fairly expect of its councillors is that they should not be allowed to help the public (except in their own cases) against the Corporation in a professional capacity in any case.

[At this stage the Hon'ble the President left the Council Chamber and Mr. Deputy-President took the Chair.]

Rai Dr. HARIDHAN DUTT Bahadur: The amendment as printed against my name requires a little change and I have been favoured with a draft by a person on whose drafting I have very great reliance. So, with your permission, I would like to make a slight change in the wording of my amendment. The substance would be the same.

Explanation.—The expression " retained or employed in any professional capacity " shall be deemed to include appearance in any processional capacity before the Corporation or any of its committees or

before any officer of the Corporation in any matter to which the Corporation is a party."

I presume that the House has no objection to my modifying the language of the amendment.

Mr. S. W. GOODE: Government would accept it.

Rai Dr. HARIDHAN DUTT Bahadur: I do not want to take up much time, but I have only one word to say.

Mr. DEPUTY-PRESIDENT: Now that Government has accepted your amendment, there is no need for you to speak.

Rai Dr. HARIDHAN DUTT Bahadur: I want this to be placed on record. In the year 1892, the following resolution was passed by the Corporation of Calcutta:—

That in the opinion of the Commissioners it is undesirable that any member of their body should in his professional capacity either as attorney, pleader, vakil, advocate, engineer or doctor on behalf of any person or persons act, appear or plead in any suit or proceedings in any court in British India or draw in respect thereto any fees in any matter arising whether directly or indirectly between such person or persons and the Corporation in the joint committee or sub-committee meetings before the Chairman or Vice-Chairman.

Although this resolution was carried so late as 1892, it was difficult and practically impossible to get this resolution accepted or given effect to during the last few years. We thought that when the Bill was amended, we must take that opportunity to prohibit what was going on. Well, the opportunity has come and I have come forward with an amendment so that no municipal commissioner or, as he is going to be called, Municipal Councillor should be allowed to take advantage of his position and make any earning whatsoever in his professional capacity in connection with the Corporation. With this object in view, I have placed the amendment before the House.

The motion as amended was then put and agreed to.

The amendment of Mr. Abdur Raheem being consequential was not put.

Raja RESHEE CASE LAW: I did not speak on Mr. Abdur Raheem's

Mr. DEPUTY-PRESIDENT: You were allowed to speak on the amendment of Mr. Raheem. I understand that as you were absent your amendment was ruled out.

Raja RESHEE CASE LAW: I did not speak on Mr. Abdur Raheem's amendment.

Mr. DEPUTY-PRESIDENT: I think that Rai Dr. Haridhan Dutt Bahadur's amendment, which has been carried, covers your amendment as well.

Raja RESHEE CASE LAW: I do not think it does. Let Mr. Goode say so.

Mr. S. W. GOODE: If the Raja Saheb's amendment is going to be moved, I wish to say a word.

Mr. DEPUTY-PRESIDENT: I cannot allow it to be moved now. Let the President come.

Raja RESHEE CASE LAW: I was allowed to speak.

Mr. DEPUTY-PRESIDENT: The President said that inasmuch as Mr. Abdur Raheem was practically moving an amendment on the same matter, you could speak on that amendment.

Raja RESHEE CASE LAW: Mr. Raheem's amendment is quite distinct from mine.

Mr. DEPUTY-PRESIDENT: You must wait for the President.

CLAUSE 41.

The following amendments standing in the name of Mr. D. J. Cohen were, by leave of the Council, withdrawn:—

"That clause 41(*f*) be omitted."

"That if motion No. 194 be carried, in line 1 of clause 41(2) for the words 'such general elections' the following be substituted, namely,—

'General elections of Councillors.'"

"That in line 4 of the proviso to clause 41(*f*) the word 'elected' be inserted before the word 'Councillors' and the words 'and Aldermen' be omitted."

CLAUSE 42.

Raja RESHEE CASE LAW: I move that in clause 42(*f*), line 10, after the words "electoral roll" the words "of the constituency in respect of which such dispute has arisen" be inserted.

The object of my amendment is that the applicant must be himself an elector of the constituency in which the dispute has arisen. It would not be fair to allow a perfect outsider to prefer an application under this clause. I hope also that in moving this amendment I am pointing out the real intention of this clause.

Mr. S. W. GOODE: I do not really see any reason why any rate-payer should not be entitled to move in an election dispute. That was the intention of Government in framing this section. I am afraid we cannot accept the Raja Sahib's amendment.

Raja RESHEE CASE LAW: I beg leave to withdraw my amendment.

The amendment was then, by leave of the Council, withdrawn.

Babu JATINDRA NATH BASU: I move that in clause 42(2), line 1, for the word "Judge" the word "Court" be substituted.

This amendment has reference to proceedings when any election is disputed. Under clause 42(1) the High Court is the Tribunal which is authorized to decide these disputes. In sub-clause (2), the expression that is used is "Judge." The Tribunal may consist of a bench of two Judges. What I want to do is to alter the word "Judge" to "Court."

Mr. S. W. COODE: We accept the amendment of Mr. Basu.

The motion was then put and agreed to.

Mr. S. W. COODE: We had originally an elaborate chapter setting out the procedure to be followed in the case of election petitions. Subsequently we were informed that we were encroaching upon the prerogative of the High Court in attempting to establish a separate election court and in a panic we hastily withdrew from the position we had taken up. Unfortunately we retreated too far. We have left this unfortunate section 42 somewhat in the air. It contains no definite instructions to the High Court as to the grounds on which election petitions should be allowed, and we are, therefore, of opinion that it is necessary to supplement this section by stating definitely the grounds on which the High Court should decide whether an election is invalid or not. I, therefore, with your permission, propose to insert section 42A which is printed on the list of business.

The following amendment standing in the name of the Hon'ble Sir Surendra Nath Banerjea was then put and agreed to:—

"That the following be inserted after clause 42, namely:—

'*Grounds for declaring election void.*

[*Cf. Bengal* s. 42.]

42A. (1) Save as hereinafter provided in this section if in any proceeding duly instituted under section 42, the High Court is of opinion that—

(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule II has been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or save as is provided in section 42, by any non-compliance with the provisions of this Act or the rules made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If in such proceeding the Court is of opinion that a returned candidate has been guilty by an agent (other than his election agent) or any other person of any corrupt practice specified in Part I of Schedule II which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Court is also of opinion that the candidate has satisfied it that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Court may find that the election of such candidate is not void.

Explanation. For the purposes of this sub-section "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.'"

SCHEDULE II.

Babu JATINDRA NATH BASU: I move that in Schedule II, Part II, rule 4, lines 2 and 3, the words "other than the owner or hirer of the conveyance" be omitted.

Schedule II of the Bill lays down what are to be deemed to be corrupt practices for the purposes of elections clause (4) of Part II lays down

that the payment or promise of payment to any person other than the owner or hirer of the conveyance on account of the conveyance of any elector to or from any place for the purpose of recording his vote should be deemed to be a corrupt practice.

This clause gives sanction to a candidate to hire any number of conveyances to bring his electors to the polling station. That is a contingency, Sir, which ought to be avoided. The Bengal Legislative Council Electoral Rules do not permit a candidate to do so, and I do not know why, in the matter of municipal elections, an exception should be made. Why should the candidates who can hire a very large number of conveyances have an advantage over those that cannot? I, therefore, propose the omission of the words "other than the owner or hirer of the conveyance" from this clause, so that the payment on account of conveyances for electors should be made illegal.

Babu AMULYA DHONE ADDY: I oppose this amendment. The electors cannot be expected to go to the polling stations at their own cost. Sir, Calcutta has already been enlarged by the addition of three municipalities. Suppose a person residing at Maniktala is entitled to vote for his property in Garden Reach, in that case the polling station would be located in Garden Reach. Is it expected that voters—poor men and women—will be required to go to Garden Reach from Maniktala at their own expense? Sir, from a practical point of view it is almost impossible, so I oppose the amendment.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to give my support to this amendment. I am not surprised that Babu Amulya Dhone Addy has been on his legs to oppose it.

I want to point out to my friends and request them to remember that it is desirable that there should be no difference in the methods of election to the Bengal Legislative Council and the Corporation of Calcutta.

As has been pointed out by my friend, Babu Jatindra Nath Basu, in the present rules for election to the Bengal Legislative Council there is a provision prohibiting the payment of any travelling expense to any elector. I fail to understand why, if that has been found to be the wise and proper course to take in the case of this Council it should not be equally applicable in the case of the Calcutta Corporation also. Calcutta Corporation elections will be held within the four corners of the city and everybody knows that Calcutta is divided into different wards, and these elections would be held in different wards for different constituencies. Naturally the area over which these electors will have to travel will be very limited. Take any ward, No. 1, No. 2 or No. 3, whichever you like. It comprises a certain area bounded on four sides by well-known roads, and within that small area, the elections will

be held. The electors will not be required to go from one end of the city to another. It is true that some of the electors might be away or outside of their particular ward, but their number is so small that they may be kept out of consideration. In Council elections the constituencies are often very wide in area especially in mufassal places. My mufassal friends well know that in some mufassal constituencies an elector has often to undergo journeys of several miles, but if, even under these circumstances, an elector in the mufassal is not allowed, under the Bengal Council Election rules, travelling allowance, what justification is there in allowing this privilege to the electors within the city of Calcutta? I hope, Sir, if Government approve this amendment, the Hon'ble Minister will kindly explain why this difference is going to be made.

Again, Sir, if you allow a candidate to hire carriages or motor cars for the conveyance of his electors, the result will be that the man with a long purse will hire very large number of motor cars and may be sure of success, for in these days, whatever one might say, and whatever the law might lay down, a long purse and a long list of friends often mean success in an election campaign. Give equal opportunities to all and let every possible facilities be given to the candidates, but do not give advantage to the rich. I cannot conceive how poor persons or men of moderate means can come forward for these elections unless they are helped by their friends and electors. But what is possible is that against candidates of moderate means people like ourselves such rival candidates may come forward to contest. One of their advantages is that they have a long purse, and they may spend large sums on motors and so far as success in the elections is concerned the hiring of a large number of motor cars, etc., is an important factor. So the result will be that a candidate with a long purse will win the day. These are the reasons why I support the amendment prohibiting the hiring of motor cars by the candidates for the use of the electors.

The motion was then put and agreed to.

Mr. S. W. COODE: I move that the following be added after rule 4, viz:—

> "Provided that nothing contained in these rules shall prevent a conveyance being hired by an elector, or by several electors at their joint cost, for the purpose of conveying him or them to or from the poll."

I think, Sir, it is necessary to make some provision for an elector hiring or several electors jointly hiring a conveyance. I therefore hope that the proviso I have moved will be added.

The motion was put and agreed to.

CLAUSE 60.

Babu JATINDRA NATH BASU: I move that clause 60 be omitted.

Clause 60 provides that if any question arises as to the interpretation of this chapter, the question shall be referred for decision to the local Government whose decision shall be final. The only questions that can arise under this chapter are those relating to elections, qualifications either of electors or candidates or the validity of the elections. But those are matters which, under clause 42 and 42A, have been placed in the hands of the High Court. If clause 60 is retained in the Bill it may happen that the High Court will interpret a particular rule in a particular way and the local Government will have the right of interpreting it in their own way. Thus there may be a conflict of decisions. Since these matters, namely, matters regarding the competency of electors and candidates and the validity of elections have been placed under the jurisdiction of the High Court, why should authority be reserved to the local Government as to the interpretation of the rules? It might lead to a conflict of decisions. I propose that the clause be omitted.

Mr. S. W. GOODE: On behalf of Government I accept the amendment.

Rai Dr. HARIDHAN DUTT Bahadur: I am sorry I must oppose the proposal of Babu Jatindra Nath Basu. The proposal is that if any question arises as to the interpretation of the provision of this chapter it shall be referred to the decision of the local Government. Well, Sir, not that I am particularly enamoured of the local Government but what I am particularly afraid of is that a candidate may be dragged in time and out of time to the High Court. Sir, without meaning the slightest disrespect to that august body, I would point out that most persons are awfully afraid of being dragged within the portals of the High Court. My friend, Babu Jatindra Nath Basu, is a very kind and sympathetic man here, but if we have to approach him in the High Court as an Attorney-at-law, we are awfully afraid of him. That is the situation we are in at present. During the past few years, as my friend, Mr. Mallik, will tell you, almost on flimsy grounds, many cases in election matters were instituted against some persons—not against myself fortunately—and they had to visit the High Court. Sir, election disputes are often dragged into the High Court on the flimsiest of causes. Heated as the atmosphere becomes at that time, the slightest provocation will drive a candidate to the High Court, and the result is disastrous, to both the contestants. The cost of a High Court suit is, as is well known, prohibitive. The high cost and the various inconveniences in connection with a High Court suit prompt me to say that it would be much better if the question of interpretation rested with

the local Government than leave the candidates to the tender mercies of the law. That is why I oppose the amendment.

Mr. D. J. COHEN: I am afraid my friend, Dr. Dutt, has misunderstood the whole position. Clause 42 is there, and under that clause the High Court will have to settle all election disputes. Further, whether that clause is there or not, we were told by the Legal Remembrancer in connection with another matter that we could not take away the powers of the High Court. Section 45 of the Specific Relief Act is there, and no provision that we may press for here can take away those powers.

The motion was then put and agreed to.

[At this stage the Hon'ble the President returned to the Chamber.]

CLAUSE 128.

Dr. PRAMATHANATH BANERJEA: I move that in clause 128, line 1, for the word "twenty-three" the word "twenty" be substituted.

My object in moving this amendment is to restrict the power of the Corporation in the matter of raising the rates. At present, the ratepayers of Calcutta pay 19½ per cent. on the value of lands and buildings situated in Calcutta. Every six years, the Corporation arranges for a fresh assessment, and at the time of each fresh assessment the valuation of all lands and buildings goes up. The Corporation is thus able once in six years to demand a larger sum in the shape of rates and taxes from the ratepayers of Calcutta. If the Corporation be allowed to increase the percentage of rates, it will have a double advantage. Just at the present moment I do not think it is desirable that the Corporation should be allowed to indulge in excessive expenditure. They ought to be able to retrench and make both ends meet with the resources that are at present at their disposal. If, at any future time, it becomes necessary to raise the rates, the Corporation may come to the Council and ask for an amendment of this section. I do not think it is safe to trust the Corporation with the power of raising the rate to 23 per cent.

Babu AMULYA DHONE ADDY: I move that in clause 128, line 1, for the word "twenty-three" the word "twenty-one" be substituted.

The Marwari Association has submitttd its opinion to the effect that the existing rate should not be increased and that is also the opinion of the public at large. There is a strong opinion that instead of the rates being increased, there should be a material retrenchment

in the expenditure of the Corporation: and as a matter of fact a committee has already been appointed by the Corporation for the retrenchment of its expenditure. It is well known to you, Sir, that during last few years the salaries of the officers have been materially increased. The Corporation might have been justified some time ago in increasing the salaries because of the high prices of food-grains and other necessaries of life; but the prices have now come down and the time has come when the salaries should be materially reduced. I take this opportunity of drawing your attention to the grievances of the house-owners of Calcutta.

Mr. PRESIDENT: Would you show how this is relevant to the question of the raising of the rates?

Babu AMULYA DHONE ADDY: The thing is that it is argued that the taxes are increased for carrying on the improvements in the sanitation of Calcutta. My point is that indirect taxation should be levied instead of increasing the rates.

Mr. PRESIDENT: I am afraid it is not relevant and I cannot allow it.

Babu AMULYA DHONE ADDY: Now, the landlords of Calcutta have to pay a consolidated rate of 19½ per cent. they have to spend on repairs generally at the rate of 10 per cent., on collection about 6 per cent.; then they have to pay income tax at the rate of 1¼ annas to the rupee, amounting to about 10 per cent. and then big landlords have to pay super-tax which may amount from one to six annas per rupee. Taking an average of two annas per rupee, it will appear that a person investing his money in landed property has to pay 50 per cent. of his gross income. It will also appear from the Administration Report for the year 1920-21 that the total revenue of the Corporation was Rs. 150 lakhs, out of which the landlords contributed Rs. 99 lakhs. Then what about traders and merchants in Calcutta? They have contributed about Rs. 15½ lakhs. So, it will appear that the landlords of Calcutta are overburdened with taxes. (Hear,hear.) It will further appear from the report of the Calcutta Building Commission, which was appointed by Government, and which was presided over by the Hon'ble Mr. Justice Tevelyn, that in 1897 the Bengal Chamber of Commerce expressed its opinion that taxation in this city was at its maximum and that the Government might be called upon to contribute something towards the improvement in the sanitation of Calcutta. Then, Sir, it will also appear from that report that it is not only the residents of Calcutta who are interested in improving the sanitation of Calcutta, but it is the Government of Bengal—as Calcutta is the capital of Bengal—and the Government of India which is equally interested in the matter. Therefore, I do not think that it is right and just that only

the citizens of Calcutta should be called upon to contribute for the improvement of the sanitation of Calcutta. As I have already stated, in the year 1897 the Municipal valuation in the town of Calcutta was Rs. 204 lakhs and in the year 1921 the Municipal valuation of Calcutta increased to 560 lakhs, although the consolidated rate is 90½ per cent., but it will appear that the taxation has increased by more than twice and a half.

I appeal to you specially on behalf of the residents of the Maniktala, Cossipore-Chitpur, and Garden Reach municipalities which are going to be amalgamated with Calcutta. The other day the Assessor to the Corportion stated that as soon as these municipalities were amalgamated with Calcutta he would be able to raise the valuation of these added areas by 80 per cent. Therefore, if the rate is also increased to 23 per cent., as suggested in the Bill, it will prove to be a source of greater hardship on the poor people residing in these three municipalities, as they will find it difficult to bear this additional burden. Therefore, I would suggest that some tax be levied on the export of jute. [A voice: Why not, on rice?]

Mr. PRESIDENT: I am afraid we cannot go into that question. Amulya Babu must confine himself to the amendment.

Babu AMULYA DHONE ADDY: It will appear that in the continent of Europe——

Mr. COODE: I submit that Amulya Babu is again out of order.

Mr. PRESIDENT: I have already told Babu Amulya Dhone Addy that he cannot go into the question of imposing a tax on jute.

Babu AMULYA DHONE ADDY: I am afraid that another rate is going to be levied upon Calcutta by the Government—I mean the Police rate—for meeting the charges for the Police of Calcutta. As we all know, a suggestion was made in this Council and a committee was appointed to examine the question. I am very glad, however, that the committee were divided in their opinion. If, in addition to the municipal rate of 23 per cent., an additional rate of 2 per cent. is levied for Police charge, it will cause a great hardship on the people of Calcutta. Now, Sir, there is already a duty of 2 per cent. on transfer of property in Calcutta levied at the instance of the Calcutta Improvement Trust. So it will appear that the landlords of Calcutta are already overburdened with taxation. I, therefore, submit that the maximum rate should be twenty-one and not twenty-three as suggested in the Bill.

The Hon'ble Sir SURENDRA NATH BANERJEA: I desire on behalf of Government to oppose both these amendments. What the Bill proposes to do is to keep the present maximum, but it does not

follow that that being the maximum the Corporation is bound to mount up to it. I do not think in recent years or ever the percentage has been beyond 21 per cent.—I speak subject to correction—it is 19½ per cent. at present. That being so, I do not know what grievance my hon'ble friend has in connection with this matter. I presume he suspects that if this power is given, it is sure to be exercised some day or other.

In administration we follow the good old maxim "sufficient unto the day is the evil thereof." My friend is not justified in taking a long forward view. Let him read ancient history in which he delights; he is very fond of doing that, and he will find that the present rate has never been exceeded, and it is not likely that the maximum will be reached, unless there is a very serious strain on the resources of the Corporation, and this power should be given in view of the large commitments of the Corporation, in view of the large sanitary works which they are pledged to undertake, and also of the requirements of the added area with regard to which we have come to a decision in this Council. Therefore, there need be no apprehension on the part of the landlords, of whom my friend is such an eloquent advocate, that this rate will be reached at once. We are giving the power; it is for the Corporation to come up to the maximum, if they wish it. But they are not bound, and so long as you have advocates of the type of Babu Amulya Dhone Addy in the Corporation, we may be quite sure that everything that can be said against increase of taxation which will fall upon the landlords, will be urged. It is a maximum which has been there in the Statute Book for a number of years and need not be interfered with. I oppose the amendments.

The following motion standing in the name of Babu Rishindra Nath Sarkar was, in the absence of the member, deemed to be withdrawn:—

"That in clause 128, lines 1 and 2, for the word 'twenty-three,' the words 'nineteen and half' be substituted.

At this stage the Council was adjourned for 15 minutes.

After the adjournment.

Mr. DEPUTY-PRESIDENT: I beg to support the amendment of Babu Amulya Dhone Addy. I support it not on the grounds put forward by him that it will be a hardship upon that much-maligned class, the landlords of Calcutta, but upon a different ground altogether. I do not want that the taxes should be raised to more than 21 per cent. in the interests of the *bona fide* residents of Calcutta who own houses in Calcutta and who live in their own houses. It is a well-known fact that during the war, houses and lands have changed hands and speculators who made money during the war have purchased lands and houses at a very high price—fabulous price, I may say—and those who have the misfortune of living in and who own lands alongside the land purchased by these speculators, see that their own lands are valued according

to the prices paid by these speculators. So that it is a very great hardship for people who have been living in their own houses for generations to pay a very high amount as taxes for those houses. In fact some of them say that they are living in their own houses as tenants, because formerly the taxes which they had to pay in respect of their own houses were much less, in fact about one-fourth or so, than they have to pay at the present moment, and it will be a misfortune if 23 per cent. is levied upon such owners. The Hon'ble the Minister has said that though we have put down 23 per cent. as the maximum, it will never be enforced, but again he has said in the same breath that large commitments have been made by the Calcutta Corporation. If that be the fact, you require more money, and if you require more money you will have to impose the maximum taxes which you can under the law. I think the power of the Corporation should, therefore, be curtailed. Of course I can very well see and I quite agree that the present rate of 19½ per cent. cannot go on for any length of time, but still 21 per cent. is a very large amount for ratepayers to pay, especially those who live in their own houses in Calcutta. Being myself a landlord—I do not want to advocate the cause of the landlords, but for those who live in their own houses, I think some provision should be made.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to oppose all these amendments. I am not surprised at the attitude of my friend, Babu Amulya Dhone Addy. Every year at the time of the budget my friend comes forward in the Corporation for the reduction of the percentage of 19½. Similarly here he takes the opportunity of trying to save us from a possible increase to 23 per cent. and wants to please us by an amendment for a reduction to 21 per cent. But, Sir, I do not find any wisdom in the course he has suggested. Nobody knows more thoroughly than Babu Amulya Dhone Addy that only during the last year the Corporation has launched into one of the most costly schemes undertaken at a cost of 3 crores of rupees for the improvement of the Calcutta water-supply.

Babu AMULYA DHONE ADDY: Not 3 crores of rupees, 2½ crores.

Rai Dr. HARIDHAN DUTT Bahadur: My friend says 2½ crores—it makes no material difference. What I want to point out is that the Corporation has launched on some expensive schemes which cannot be avoided; they have also taken up the spread of primary education which will, within a short time, cost them about 10 lakhs of rupees a year. It has also undertaken the expansion of institutions for medical relief in the city of Calcutta. Few years ago, as I pointed out before, maternity work and child welfare were almost unknown in Calcutta. We are building a maternity home in the north of the city and another will shortly be built in the south as well. All these mean money, and if you want money, the money can only come from taxation. Nobody who

is a representative of the people can at all be dissatisfied with any proposal for the reduction of taxation. I, as a representative of a ward in Calcutta, would certainly support any proposal which strives for the reduction of taxation, but my friend's amendment is a different matter. I would point out that in Calcutta, taxation has been uniformly maintained during the last 20 or 25 years at the rate of 19½ per cent., and this provision for a maximum of 23 per cent. has been in the Statute for the last 25 years. To suddenly change this would be most unwise and I would not disturb it.

My friend has pointed out quite rightly that there was a danger of the police duty being thrown upon us. Those who advocate that the city must bear the police duty are searching for an opportunity, and that opportunity will be there if this amendment is carried, and the city will be burdened with police taxation to the extent of 2 per cent. I think my friend should withdraw his amendment.

I want to point out that I do not agree with him in all that he has said about the landlords. I have some property in Calcutta. I may not be a magnificient landlord like my friend the Raja of Chetla. (Laughter)

Mr. PRESIDENT: Well, Rai Bahadur, you must try to avoid personal allusions.

Rai Dr. HARIDHAN DUTT Bahadur: I was paying him a compliment. How can he deny that what we have inherited from our fathers and grandfathers has increased in value and that at the present moment we are immensely benefited by that? Considering the increase in value of those properties and the benefit we derive from them, the taxes we pay are not so heavy as should be grudged. What was the price of the property purchased by our grandfathers? What was purchased by them for Rs. 500 is now worth nearly Rs. 10,000 or more. Does my friend say that during the last 30 years Calcutta property has not immensely increased in value? Taxation is not good; nobody likes it, but it is essential and unavoidable. I do not for a moment suggest that we must have taxes increased to 23 per cent. but I find ample justification for fixing that as the maximum limit. Some of our friends made an attempt in the Select Committee to increase it to 25 per cent. but we all objected to that. We must try to stick to 23 per cent. as the maximum to be laid down in the Bill.

Babu SURENDRA NATH MALLIK: I did not think I would have to speak on this subject, but being Chairman of the Corporation I have got to say a few words. I can understand Babu Rishindra Nath Sarkar proposing 19½ per cent. instead of 23 per cent. Even if he had proposed something less than 19½ per cent., I could have understood that; but Babu Amulya Dhone Addy's proposal of 21 per cent. is inconceivable. First of all, you will find that if we have got to

give effect to one-tenth of the proposals that my friend brings up every year for his own ward alone, that would require 75 lakhs of rupees absolutely——

Babu AMULYA DHONE ADDY: Question.

Babu SURENDRA NATH MALLIK: No question, I can give you figures.

Mr. PRESIDENT: Quite unnecessary.

Babu SURENDRA NATH MALLIK: There are Mr. Payne's observations on record.

Mr. PRESIDENT: You need not pursue that; we have your disclaimer, it is quite sufficient.

Babu SURENDRA NATH MALLIK: Now, Sir, under the present Act we have got 23 per cent.; the Corporation wanted 23, the Select Committee accepted 23; with the purchasing power of the rupee going down and costs going up, is this 23 to be cut down to 21? Is there any sense in that? It is impossible, it cannot be done. My friend has been 26 years in the Corporation and has brought forward an amendment of this sort in this Council to please others outside. I am inclined to think it is not meant for this Council but to please others elsewhere. This is not practical politics; it cannot be done. Then, again, as regards municipal administration. There is a rise in the ideas of everybody. The other day I went to inspect a *bustee*; an old man there said—"*Huzur, Iye sarak cement karaya di jiye*" (Sir, get this *bustee* road ashphalted). Where is the money to come from? My friend himself puts in a number of motions for the improvement of the area round Chetla. Where is the money to come from? We have very large commitments, 2½ crores for the improvement of the water-supply there is also the expenditure on the clearing of silt in the Bidyadhari river levied unjustly by Government on us. Then we have a huge drainage scheme to be completed; it cannot be completed in a day. With all these works before us and which we have taken up already, how can anybody ask us to reduce the utmost limit? To the best of our ability all these years we have been able to manage with 19½ per cent; we would not have consented to have a half per cent. rise this year. Then, again, we are going to have an elected Mayor and an elected executive officer of our own and a democratized Corporation with 90 members from the next year. It is possible the Corporation will require more money; it is absolutely necessary with all this before us that we will want money, and still you ask for reduction. His motion is nothing except simply to please others outside the Council; he might go to them and say—"Well, I asked for a reduction but could not get it." He knows very well it cannot be done. I strongly oppose this.

The amendment standing in the names of Shah Syed Emdadul Haq and Dr. Pramathanath Banerjea was then put and lost.

The amendment standing in the name of Babu Amulya Dhone Addy, was then put and lost.

CLAUSE 131.

The following motion standing in the name of Mr. D. J. Cohen was, by leave of the Council, withdrawn.

"That in clause 131(*a*), line 5, for the word 'assessment' the word 'valuation' be substituted."

The following motions standing in the name of Dr. Pramathanath Banerjea were, in the absence of the member, deemed to be withdrawn:—

"That in clause 131(*a*), last line, after the words 'such gross rent' the words 'and such further allowance as may cover loss due to the building remaining vacant for a period of two months during a year' be inserted."

"That in clause 131(*b*), line 6, after the words 'reasonble amount' the words 'not falling below 2 *per cent.*' be inserted."

"That in clause 131(*b*), line 7, the words '(if any)' be omitted."

Babu JATINDRA NATH BASU: I move that in clause 131(*b*), lines 7 to 10, for the words "to the estimated present value of the land valued with the building as part of the same premises" the following be substituted, namely:—

"to the gross annual rent at which the land might reasonably be expected to let from year to year."

Clause 131 of the Act provides for the basis of valuation of holdings in Calcutta. There are two methods laid down in this clause; one for lands and houses that are let, and the other for houses that are resided in by the owners. This system of valuing holdings on two different basis is new to Calcutta——

Babu SURENDRA NATH MALLIK: Question.

Babu JATINDRA NATH BASU: It is not prevalent anywhere else, so far as I know. In all other places in the world you value holdings for rating purposes on the letting value of the holdings. In Calcutta, so far as residential houses are concerned, it has been laid down that you should value the holdings on the estimated present value of the land added to the estimated present cost of construction of the building less depreciation. Even in Calcutta, this system was not formerly in vogue. It was first introduced in the municipal law of Calcutta by the

Act of 1888.. There was a great outcry at that time; it was pointed out that it was an entirely novel method of valuing holdings, and unusual anywhere in the world. But for some reason or other, the system found place in the municipal law of Calcutta. It involves a great deal of hardship to persons who live in their own houses. Even now there are a great many persons in Calcutta who live in their own houses. A house is valued on the basis of the estimated rent that it is expected to realize, while the owner of the adjoining house, which is an exactly similar house, if he happens to reside in it, has his house valued on an entirely different basis, that is to say, on the market value of the land added to the cost of the building. There is no reason why there should be such variation in the method of valuation. The value of residential holdings is provided for in clause 131, sub-clause (*b*). I want to substitute for the words "to the estimated present value of the land valued with the building as part of the same premises" the words "to the gross annual rent at which the land might reasonably be expected to let from year to year." That is to say, in valuing the land you take the letting value, and that is the only proper basis on which the value ought to be calculated. Owing to the operations of the Calcutta Improvement Trust, land values in Calcutta have fluctuated a great deal and there have been abnormal increases, but these increases have been temporary. This section is enabling the Corporation to take advantage of these land values for the purpose of increasing rates. But the Corporation of Calcutta has not shown any justification for the introduction of an extraordinary rule in the method of valuation of property. There is no reason why this rule as to valuing residential holdings should be continued in the present Bill.

Rai FANINDRALAL DE Bahadur: I move that in clause 131 (*b*), line 8, for the words "present value of the land valued with the building as part of the same premises" the following be substituted, namely,—

> "gross annual rental value of the land determined as indicated in clause (*a*)."

Sir, I am asking for bare justice in this amendment. The assessment of vacant lands is made on their rental value; this principle should be applied in the present case also, otherwise the house proprietors, specially the poorer class, will be put to great hardship and difficulties in these abnormal days. It is quite possible that a piece of empty land adjacent to the house of a middle-class gentleman, making anyhow two ends meet, is bought at a fabulous price by one of the new-rich of the city. In the next assessment, the Corporation will certainly calculate the present value of the land belonging to the gentleman on the basis of the price paid by the rich for the adjacent plot and fix the tax on the house at such a figure, as may be, impossible for him to pay, and so he clears out after disposing of the property—surely not a happy picture.

I move, therefore, that in determining the annual rental value of a residential building, the gross annual rental value of the land on which the building stands be considered along with the cost of erecting the building.

Babu SURENDRA NATH MALLIK: I think my friends, Babu Jatindra Nath Basu and Rai Fanindralal De Bahadur, are labouring under a misapprehension, and that is the reason why I must oppose them. In Calcutta there are two methods of assessment; one is on rent as regards rented houses, and the other as regards residential houses on the basis of the value of the land plus the cost of the building less depreciation. These are the two methods. My friend's idea is that even in residential houses, the land should be assessed on the rental basis. This system has been working for 45 years and has given entire satisfaction. My friend says that it is new to Calcutta; one must be a veritable Methuselah if he can count a thing existing for 45 years as new. One difficulty not appreciated by my friend is that if there is a building on a land, how can you value the land covered by the building according to its letting value. It is impossible. You cannot do it. It has no letting value. That is an answer to Rai Bahadur Fanindralal De's argument.

In the case of vacant land, you can do that. But on land which is covered by a building you cannot very well assess the rental value of the land only. That is an impossible position. There are two basis of assessment which have been in force for the last 45 years, and I do not see any reason for changing it. My friend, Babu Jatindra Nath Basu, is always very reasonable, and if he finds my explanation acceptable, I hope he will withdraw his amendment.

Babu AMULYA DHONE ADDY: I beg to oppose the amendment of Babu Jatindra Babu Basu. He appears to give relief to owners of residential houses; he has put forward the ground that the market value of the land is very high. I may say that the market value of the land was very high during the land boom, that is during the last land-speculation. The speculation has since subsided, and the market value has materially come down; therefore, instead of giving relief to the persons referred to, it will be a source of great hardship to them.

Then in the case of residential houses there is a provision under which relief can be and is given by the Chairman of the Calcutta Corporation. I would draw attention to proviso (*iii*) under which, in the case of a building valued under clause (*b*), *i.e.*, a residential house, the annual rental value of which does not exceed Rs. 500, if any exceptional circumstances exist, which render a valuation of 5 per cent. on the cost of erecting the building less depreciation, excessive, a lower percentage may be taken. A very large number of applications for this relief are granted by the Corporation, and therefore, if clause (*b*) is amended

according to the suggestion made by him, there will be no relief. I beg to submit that this provision has been in force since 1888, and I believe it has worked very satisfactorily. At the meeting of the Corporation when this Bill was under consideration, a similar suggestion was made, and it was thoroughly discussed, but that suggestion was not accepted by the Corporation.

The amendment standing in the name of Babu Jatindra Nath Basu was then put and lost.

The amendment standing in the name of Rai Fanindralal De Bahadur was also put and lost.

Rai FANINDRALAL DE Bahadur: I move that in clause 131(*a*), lines 8 to 10, for the words "land valued with the building as part of the same premises" the following be substituted, namely, "portion of the land in excess of the open spaces required to be kept under Schedule XVI being valued at such lower percentage as the Corporation shall think proper having regard to the area and the locality."

Sir, there is no denial of the fact that more open spaces a house can contain, the better it is, not only for its own purpose, but also for the locality. The building regulations of the Corporation (*vide* Schedule XVI of this Act) provide for minimum proportions, varying in different parts of the city. It should be the aim of the Corporation to encourage and facilitate the habit of keeping as much space open as possible. A step in this direction will be to make substantial allowances in the valuation and assessments of such spaces in excess of the minimum required and hence I move the amendment.

Babu JATINDRA NATH BASU: I rise to support the amendment. In a tropical city like Calcutta, the Corporation should in every way encourage the keeping of open spaces. If the owner of a particular plot of land when building on it leaves vacant a large quantity of land, some concession should be granted to him. These spaces are a source of health to the neighbourhood. In many of those houses which have large grounds or gardens, the people of the locality congregate and the children have a place to freely move about. There are very few houses of the kind in Calcutta.

We have also to take into consideration the fact that we have added to Calcutta the suburban tracts which contain large grounds. It will be a great hardship on the owners of houses in those localities, if they have got to pay taxes calculated on the value on every bit of land that is included in their holdings. Therefore, I trust some concession should be granted for leaving open a larger quantity of land without building upon it, than is required to be left open under the building Regulations.

Rai Dr. HARIDHAN DUTT Bahadur: I would point out that if the proposal of the Rai Bahadur is accepted, it would practically give concession to the rich people. There is no denying the fact that only rich people can afford to leave more space in their houses than what is required by the Building Regulations. The ordinary Building Regulations enjoin one-third of the spaces to be left open. In Chowringhee and other selected places, mostly inhabited by European citizens and the rich, they have two-third open spaces. Those who live in the northern portion of the town and those who come from the middle class can only enjoy one-third spaces. There may be a house here and there like the Marble Palace, etc., where there is abundant open space. But in cases of very big areas of open spaces some concession is often given to the owners of those properties. Especially when the public is allowed to use the same as an open space. I believe my friend, who is always anxious to help the poor and middle class people, and not anxious to favour the rich and influential people, will find his way to withdraw the amendment.

Babu SURENDRA NATH MALLIK: Sir, I would point out that it is a piece of hopeless legislation that is sought to be introduced. I cannot conceive what is to be gained by it. Under Babu Jatindra Nath Basu's proposal in one set of premises there would be different portions assessed under different principles—one at 19½ per cent., one at 13, one at 2, and perhaps one at 6 per cent. Anybody having any practical idea of the work will not dream of accepting such a proposal.

Then, again, some houses have vacant portions in front, say, of a few feet, some vacant ground at the back or in the middle; and how are those different vacant plots to be assessed and how can the concession be given. You want to save the rich people and the poor will have to pay for it ultimately. Money must be found for the work of the Corporation and why should not the rich people pay for it as well as the poor? It is perfectly a one-sided proposal and I hope my friend will withdraw it.

The motion was put and lost.

Babu JATINDRA NATH BASU: I move that in clause 131, proviso (*1*), line 6, after the word "Corporation" the following be inserted namely:—

> "or under any provision of law or any rules or by-laws of the Corporation for the erection of huts."

Proviso (*1*) to clause 131 provides for the valuations of *bustees*. In a *bustee* various portions of the land have to be left vacant. For instance, if there is a scheme for the improvement of the *bustee* vacant lands are to be provided for, bathing platforms, *bustee* roads, and so on.

Schedule XVI provides for regulating the erection of huts in *bustees*. Various regulations are laid down in that schedule which prevent people from taking full advantage of the land which they have. What I propose is, that where the Corporation by regulations requires the owner to set apart land for the general purposes of the *bustee* such as *bustee* roads, etc., or for the alignment line, he should not be made to pay rates for the land so left vacant.

Mr. S. W. COODE: I do not admit that there is any hardship on the owner; but my friend seems to forget that, even though the owner were relieved of the tax he, on his part, would not fail to realize the rent on his land, and it is but right, therefore, that he should be required to pay the tax. There is no particular reason why the space left vacant for the hut alignment line which corresponds to the side space of a masonry building should be exempted from taxation. Therefore, I would, however, like at this stage to suggest a small drafting change in the same clause. The clause at present says "any *bustee* road alignment." The Select Committee at the time was thinking of *bustee* streets and their idea was to exempt the owner so far as *bustee* streets were concerned. I would, threfore, like to move that for the words "in pursuance of any *bustee* road alignment scheme of the Corporation." the following be substituted "for the purposes of any *bustee* street prescribed in or under standard plan approved by the Corporation under Chapter XXII."

The motion was then put and lost.

The following motion was then put and agreed to:—

"That in proviso (*i*) to sub-clause (*b*) of clause 131 for the words 'in pursuance of any *bustee* road alignment scheme of the Corporation' the following be substituted, namely,—

'for the purposes of any *bustee* street prescribed in or under a standard plan approved by the Corporation under Chapter XXII.'"

SHAH SYED EMDADUL HAQ moved that in clause 131, proviso (*i*) line 12, for the word "ten" the word "fifteen" be substituted.

The Shah Sahib addressed the Council in Bengali in support of his motion.

Babu AMULYA DHONE ADDY: In valuing a rented masonry building we have to take into consideration the gross annual rent at which it can be expected to let from year to year, and we deduct therefrom 10 per cent. for repairs. In the case of huts also, Sir, we deduct 10 per cent. But my object is to give relief to the hut-owners by increasing the cost of repairs from 10 to 15 per cent. so that the valuation of a hut may be reduced to a certain extent. Sir, the definition of a hut has materially changed under the Bill. Under the existing

Act, even a corrugated iron-shed is a hut, but under the Bill, as it stands, it is now regarded as a masonry building and, therefore, a small tiled hut or a *golpatha* hut would be a hut under the definition of this Bill. Therefore, my object is to give partial relief to the owners of such structures. Then, Sir, the life of such a hut it less than that of a masonry building; and, therefore, the cost of repairs is much more than in the case of a masonry building. The cost of building materials has materially increased. The wages of labourers have also increased, and, therefore I would suggest to deduct from the gross rent 15 per cent. instead of 10 per cent. as it is at present. But in the case of masonry buildings I do not like to have this concession. I feel for the poorest of the poor, and therefore, I make the suggestion that the rate may be increased from 10 to 15 per cent. as the cost of repairs. This is the opinion of the Marwari Association and I make this suggestion so that relief may be granted specially to the hut-owners of the newly added areas.

Babu SURENDRA NATH MALLIK: I strongly oppose this because it is a landlord's resolution. My friend, Mr. Addy, began with a demand for 16 annas and now he has come down to 2 annas. He must have something. His proposal is not going to benefit anybody except the landlords. He will get his rate all right from his tenant and he would deprive the Corporation of his share of payment. His argument about the cost of construction and of repairs and of the rise in price of building materials has got no force whatever. He has only shown us one side of the shield, but he has not mentioned how the rents have also correspondingly gone up. No doubt the cost of everything has gone up, but the rent has gone up to the extent of about Rs. 300 per cent. or more. As this motion will only give relief to the landlords to the unjustifiable detriment of Corporation funds I strongly oppose it.

Babu AMULYA DHONE ADDY: May I explain, Sir? All the rates are payable by hut-owners and not by the tenants.

Mr. PRESIDENT: This is not a personal explanation.

The motion was then put and lost.

Babu JATINDRA NATH BASU: I move that in clause 131, proviso (*ii*), line 3 after the word "machinery," the following be inserted, namely,

"or gas or electric fittings and installation."

Proviso (*ii*) says in calculating the value of any land or building under this section, the value of any machinery on such land or in such building shall be excluded.

The object is clear, because the machinery is liable to much larger depreciation than the building; and machinery is moveable. I want to add after the word "machinery" the words "or gas or electric fittings and installation." In valuing lands and buildings in Calcutta, what the Corporation ordinarily does is to allow depreciation to the extent of one per cent. of the value for every two years. In the case of gas and electric fittings, the depreciation is nearly 25 per cent. a year, and you have also to incur a very large amount of expenditure for the upkeep. Therefore, if you include gas and electric fittings as parts of a building, then you do an injustice to the owner and occupier of the building. It may undoubtedly be said that the gas and electric fittings add to the value of the houses. No doubt they do. But they mean at the same time not only a capital expenditure but also a large recurring expenditure for their upkeep. A building lasts the space of five life-times, while gas and electric fittings last three or four years. I, therefore, propose that these also be excluded in calculating the value of land and building. Otherwise it will fall very heavily on owners and occupiers.

Rai FANINDRALAL DE Bahadur: I move that in clause 131, proviso (*ii*), line 3, after the word "land" the words "including gas and electric fittings" be inserted.

The considerations for which the machines have been excluded in calculating the value of land or building, require, justly speaking, that gas and electric fittings should not be included in it. Separate capital is to be laid out and recurring expenditure incurred for these necessities. It is not fair, therefore, to tax these further and hence I move this amendment.

Babu SURENDRA NATH MALLIK: I move that at the end of clause 131 proviso (*ii*), the words "but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued" be added.

In moving my amendment I oppose the motions moved by my hon'ble the friends, Babu Jatindra Nath Basu and Rai Fanindralal De Bahadur. I might tell the members of this House that this is far from what it should be. From personal experience I can tell the House that—I am speaking of a particular house—the house was shown to have been rented out at Rs. 750 and the rent was distributed as follows:—Rs. 300 for the house; Rs. 250 for the electric fittings, etc., Rs. 150 for the compound; and Rs. 50 for the caretaker, etc., but the owner really gets from that house Rs. 1,300 and he shows Rs. 600 as charges for electric fittings, etc. This arrangement is of a very shady character. And in order to guard against such arrangements which are getting frequent, that I propose this amendment.

As regards the point raised by Babu Jatindra Nath Basu it certainly deserves a very careful consideration. It is the question of depreciation. These electric fittings have a tendency to depreciate in value very quickly. But that is quite another question. This question of depreciation must be left to the discretion of the Executive Officer at the time of assessment. It is not a question of principle which you can insert in the Bill itself. You must leave it to the discretion of the Executive Officer. He will surely make allowances for that. As a matter of fact every one has got to pay for these amenities in the shape of high rents, and it is not right that the Corporation should be deprived of its share. But I dare say the Executive Officer will give you 20 per cent. in the case of these fittings, while you will not be given more than one per cent. or even half for the new house for the first 5 years.

Babu AMULYA DHONE ADDY: I am sorry I have to oppose Mr. Mallik's amendment. We do not find this in the existing Act.

Babu SURENDRA NATH MALLIK: May I point out, Sir, that there was no electric light when the existing Act was passed?

Babu AMULYA DHONE ADDY: This question was fully discussed in the Select Committee and this suggestion was not accepted by the majority. It was only at the last meeting that it was accepted on the suggestion of Mr. Mallik. Several public bodies like the British Indian Association, the Bengal National Chamber of Commerce and the Marwari Association have strongly objected to it on the special ground that these are not permanent fixtures. I, therefore, oppose it.

Mr. D. J. COHEN: I also oppose the amendment of Mr. Mallik and I do so for this reason. Mr. Mallik has observed that landlords show rents under separate charges—so much for the house, so much for the lands, etc., etc. But surely Mr. Mallik knows that the Deputy-Chairman or the Vice-Chairman who hears these cases take the gross rent and not separate rents into consideration and they allow a certain percentage for recurring expenditure. The conveniences of the buildings should be taken into consideration. In a mansion you require a lift—that is a recurring expenditure. Then you require a caretaker—that also is a recurring expenditure. Then you have got to light the passages, to engage sweepers for cleaning the compound—all these are taken into consideration and the Vice-Chairman has been allowing 30 to 40 per cent. on all these items. If that system is going to continue, then I for one would have no objection, but I submit that the inclusion of the words suggested by Mr. Mallik might put a different construction on the clause and for that reason I oppose the amendment.

Mr. S. W. GOODE: I would support Mr. Mallik's amendment. I think it is only reasonable that fixtures such as electric light, wirings, etc., like other fixtures, such as doors and windows, should be valued and it is only fair that electric lifts, which enhance the rent, should be rated. But I would ask Mr. Mallik whether he is prepared to accept a slight addition to his amendment. I would like to add the words: "subject in the case of lifts to such deduction in the valuation as the Executive Officer may think proper on account of the cost of repairs to maintenance of, and attendance on, such lifts."

Babu SURENDRA NATH MALLIK: I accept it, Sir.

Babu Jatindra Nath Basu's motion was put and lost.

Rai Fanindralal De Bahadur's motion was put and lost.

Babu Surendra Nath Mallik's motion was then put in the following form and agreed to:—

"That at the end of clause 131, proviso (*ii*) the words 'but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued subject in the case of a lift to such reduction from the valuation as the Executive Officer may think proper, on account of the cost of repairs to, maintenance of, and attendance on, such lifts' be added."

Babu JATINDRA NATH BASU: May I inquire Sir, whether the addition applies to electric fittings also?

Mr. PRESIDENT: No, it only refers to lifts.

Mr. D. J. COHEN: May I inquire, Sir, whether the effect of this clause would be to debar the Corporation from making allowances which they do in other cases?

Mr. S. W. GOODE: The Corporation make those allowances outside the Statute and we are making no change which would prevent that practice.

Mr. D. J. COHEN: I move that for clause 131, proviso (*iii*), the following be substituted, namely:—

"(*i*) in the case of a building valued under clause (*a*) and the annual value of which does not exceed two hundred rupees, or

(*ii*) under clause (*b*) the valuation of which for assessment purposes does not exceed five hundred rupees,

if any exceptional circumstances exist which render the levy of the full consolidated rate in case (*i*) or a valuation of five *per cent.* in the cost of erecting the building less depreciation in case (*ii*) excessive, a lower percentage may be taken."

My idea for moving this amendment is that the clause, as it stands in the Bill, will only give relief to those people who are merely residents in their own houses. It will not give any relief to those people who rent out a portion of their houses. There may be poor men who would be glad to rent out half the portion of their houses and howevermuch the Chairman may be in sympathy with them, he would not be able to help them under the law. For these reasons I want to include buildings which are assessed as rented. Of course I am aware that a maximum must be fixed and so I would put the maximum annual value to Rs. 200.

Babu JATINDRA NATH BASU: I move that in proviso (*iii*)—

(*1*) in lines 1 and 2, for the words " valued under clause (*b*) and the annual rental " the words " the annual " be substituted; and

(*2*) in lines 5 to 7, for the words " a valuation of five *per cent.* on the cost of erecting the building less depreciation " the words " the valuation " be substituted.

The proviso to clause 131 deals with lower percentage. When a poor man cannot pay the full rate, the Corporation, at its discretion, gives him some relief. The clause, however, refers only to dwelling houses. If you make the valuation under sub-clause (*b*) you do not take the rental value at all. Therefore, I want to have these words substituted.

The amendment refers to the rating at five per cent. It may happen that if a poor person lets out one room in his house, the house may be valued not on a residential but on a rental basis. You preclude him under this clause from taking advantage of the lower percentage provision. My amendment is to provide for cases of this nature.

Mr. PRESIDENT: There is a difficulty about your amendment. It is ungrammatical. If you remove the words " valued under clause (*b*), etc., etc., " it makes no meaning.

Babu JATINDRA NATH BASU: I meant " valued under sub-clause (*b*). I, however, do not press my amendment, but I support Mr. Mallik's amendment which seeks to attain the same object.

The following amendment which stood in the name of Rai Bahadur Fanindralal De was, by leave of the Council withdrawn:—

" That in clause 131, proviso (*iii*), line 2, before the words ' clause (*b*) ' the words ' clause (*a*) or ' be inserted."

Babu SURENDRA NATH MALLIK: I move that in clause 131, proviso (*iii*), lines 2 and 3, the words " and the annual rental value of which does not exceed five hundred rupees be omitted.

The difficulty mentioned by Mr. Cohen is a real one and the Corporation feels great difficulty sometimes in making concessions. A house may perhaps be owned by a poor widow who lets out a portion and with the rent derived from it she manages her household expenditure. But you cannot help her under the present Act unless of course the Chairman under the powers conferred upon him by section 168 chooses to grant her relief without assigning any reason. Under clause (*b*), which governs the case of residential houses the question of the annual rental value does not arise at all. I think Mr. Goode will make an amendment correcting the mistake in the Bill in this connection. I think, too, that clause (*a*) of section 131 should deal with rented houses and clause (*b*) with residential houses. I have made this clear in my motion No. 265 which runs as follows:—

That at the end of clause 131 the following proviso be added, namely, "(v) in the case of a building valued under clause (a), the annual rental value of which does not exceed five hundred rupees, the Executive Officer may, if exceptional circumstances exist, reduce the amount of the quarterly rate bill payable either by the owner or the occupier as the Executive Officer may think fit."

You will notice, Sir, that there is no question of altering the assessment in my suggestion. I say that the Executive Officer may, under exceptional circumstances, reduce the amount of the quarterly rate bill. This will be a concession to the deserving poor who rent a portion of the house in which they live, such a concession being easy to withdraw at any time for sufficient reason.

Mr. S. W. GOODE: Sir, I oppose all the amendments as I consider them to be exceedingly dangerous. The system of lower percentage has a long history as Mr. Mallik knows. It was intended originally to meet the case of the poor *bhadraloys* who had come down in the world and were tied down to family mansion or to large houses which they could not afford to maintain, while the taxes and rates were beyond their resources. The Corporation looks on such cases with a sympathetic eye and allows the owners lower percentage. But that does not surely apply to the case of the occupant of a rented house. He can go to live in some other quarters where rents are compatible with his means. He is not weighted down with a residence which he can no longer maintain and there is absolutely no reason why the Corporation should be a charitable institution for giving help to persons of that kind. If he is too poor to live, if he cannot maintain himself, there are other institutions to look after him. I suggest that where he has the wide city to choose from to find a residence which is not beyond his means, it is not a case for coming to the Corporation and asking it to remit any portion of its legitimate dues. Obviously the proposals of Mr. Basu and Mr. Cohen will produce absurdities. Their suggestion is that the tenant of a house should be allowed lower percentage like the decayed house-owner residing in his own premises. It would be quite impossible to do so. You may have

a poor tenant going away to-morrow but the assessment continues for six years, and some one else would enjoy the lower percentage which was allowed to meet the circumstances of his predecessor. Obviously these proposals are quite unsound. Moreover they make no provision for dividing the relief between co-tenants of whom one may be rich and one may be poor. Mr. Mallik's suggestion about quarterly remission will not apply in all cases. I maintain that lower percentage was never intended to meet cases of tenants occupying rented premises but only those cases where persons once rich, find themselves in the difficult position, I have explained. I would, however, suggest that the obvious drafting error in sub-clause (*iii*) should be rectified. The words "rental value" have no meaning under the municipal law. The proper phrase is "the annual value." With your permission, Sir, I move that in clause 131, proviso (*iii*), *for* the words "and the annual rental value" *substitute* "the annual value."

Babu AMULYA DHONE ADDY: I am sorry that this suggestion comes from the hon'ble Mr. Goode. I strongly support the two amendments of Mr. Mallik. Last year I happened to be the President of the Review Committee of the Corporation and the members of that Committee suggested that the municipal law should be amended so as to give the power to the Corporation to grant relief not only in the case of residential houses but also in the case of rented houses. That suggestion was accepted by the Corporation and I understand that in accordance with that suggestion Mr. Mallik, the worthy Chairman has moved this amendment. Sir, under the existing Act, there is no restriction whatever in the case of residential houses. Whatever the valuation of the house may be, if the owner of the house becomes very poor and is unable to pay the rates, he may apply to the Chairman for granting him a lower percentage. But in the case of a rented house at present there is no remission. I admit that in the case of a rented house unless there are special reasons to the contrary it is not desirable to grant that remission. But I know of cases where a poor widow depends on the rents she realises by letting out of the major portion of her house and, under the law, if the major portion of the house is rented, the house is regarded as a rented house. Although technically it is a rented house, it must be remembered that her livelihood depends on the rents she receives. I think these cases deserve consideration at the hands of the Corporation. Sir, it has been said that the valuation would last for six years and there may be changes within that period in the tenancy of the house, but I beg to draw the hon'ble Mr. Goode's attention to proviso (*iv*) under which, if a building has been valued at a lower percentage it may be revalued at any time if the exceptional circumstances cease to exist. So, if there is a change in the tenancy, even if it be within two or three months, the Executive Officer may re-assess it if he has reasons to believe that special circumstances have ceased to exist.

Mr. D. J. Cohen's motion was put and lost.

Babu Jatindra Nath Basu's motion was put and lost.

Rai Fanindra Lal De Bahadur's motion was, by leave of the Council, withdrawn.

Babu Surendra Nath Mallik's motion was then put and lost on a division which was taken in the Chamber, the voting being 8 for and 16 against.

The motion standing in the name of Mr. S. W. Goode was then put and agreed to.

The following amendment was, by leave of the Council, withdrawn:—

Mr. D. J. COHEN: "That in clause 131, proviso (iv), last line, after the word 'have' the words 'in the opinion of the Corporation' be inserted."

The following amendment was then declared to have fallen through:—

Babu SURENDRA NATH MALLIK: "That at the end of clause 31, the following proviso be added, namely:—

'(v) in the case of a building valued under clause (a), the annual rental value of which does not exceed five hundred rupees, the Executive Officer may, if exceptional circumstances exist, reduce the amount of the quarterly rate bill payable either by the owner or the occupier as the Executive Officer may think fit.'"

The following amendment was, in the absence of the member, deemed to be withdrawn:—

Dr. PRAMATHANATH BANERJEA: "That at the end of clause 31, the following proviso be added, namely:

'(v) if the owner of a building has left more than two-thirds space open, a lower percentage may be taken.'"

Mr. S. W. GOODE: I move on behalf of the Hon'ble Sir Surendra Nath Banerjea that in clause 132, lines 6 and 7, for the words "as defined in clause (f) of section 2 of" the words "for the purposes of" be substituted.

The motion was put and agreed to.

CLAUSE 135.

The following amendments were, in the absence of the members, deemed to be withdrawn:—

Dr. PRAMATHANATH BANERJEA: "That clause 135 (1) (c) be omitted."

Raja RESHEE CASE LAW: "That in clause 135(*d*)'(*c*), line 5, for the words, 'such building to be re-valued' the words 'such addition, alteration or improvement to be valued and a revaluation of the premises made on the bases of its previous valuation and the valuation of the addition alteration or improvement made as aforesaid added thereto' substituted."

Raja RESHEE CASE LAW and Dr. PRAMATHANATH BANERJEA: "That in clause 135, (*d*) (*e*), line 5, the words 'from any cause proved to the satisfaction of the Executive Officer to have been beyond the control of the owner or occupier thereof' be omitted."

Raja RESHEE CASE LAW: "That in clause 135(*d*) (*f*), lines 7 and 8 for the words 'cause a new valuation of such building to be made' the words 'cause a valuation to be fixed on that basis' be substituted."

Mr. S. W. COODE: I move, on behalf of the Hon'ble Sir, Surendra Nath Banerjea, that in clause 135 (*d*) (*j*), lines 5 and 6, for the words "as defined in clause (*f*) of section 2 of" the words "for the purposes of" be substituted.

The motion was put and agreed to.

Babu JATINDRA NATH BASU: I move that at the end of clause 135, (*d*), the following be added, namely:—

> "5. The Executive Officer may separate the valuation of any building used for letting purposes by rooms, blocks, flats or floors, if such rooms, blocks, flats or floors are separately let."

Sir, it very often happens that in a big mansion some flats are let out and some remain vacant. If the Corporation has not the power to value them separately, then it might happen that the taxes which are levied might be in excess of the rents realized. But if they are separately valued, then the owner will have an opportunity of asking for a remission in cases of those flats that are vacant. Unless the Corporation has the power to do this, it would cause a very great hardship to the owners, and my amendment seeks to give that power to the Corporation.

Babu SURENDRA NATH MALLIK: Sir, I beg to oppose the amendment. It is absolutely impracticable. Suppose there are 250 houses in one chawl, and if the Corporation have got separately to value all these, it means an impossible task. And then, how is one to know that these rooms are not tenanted? The owners themselves may occupy them and pay no taxes; and unless the Corporation has a staff to watch them from morning till night, it will never know whether the rooms are tenanted or not. No doubt landlords will be a bit inconvenienced by

it, but there is no reason why they should deprive the Corporation of their just dues. And then, what about the water connection? If I give a separate number to each room then I am bound to give them separate water connection. So it seems that the whole thing is impracticable. There is also the difficulty of calculating rates and taxes. It would mean a huge staff. It is absolutely an impracticable proposition also from the point of view of the collection of the rates.

Babu AMULYA DHONE ADDY: Sir, I beg to support the amendment. I would draw attention to the word "may." If the Executive Officer is of opinion it would be impracticable to do so then he may reject the application. That is why I support this amendment.

Mr. PRESIDENT: Mr. Cohen, you have got a similar amendment (No. 285). Will you now move it?

Mr. D. J. COHEN: I move that in clause 138, line 1, after the words "The Executive Officer" the following be added, namely:

> "shall value for the purpose of assessment as a separate unit, if the owner so desires, every flat, or suite of rooms which is, in his opinion, self-contained and therefore capable of separate enjoyment and"

My amendment refers to flats and rooms in the mansions, where every flat is in every way a self-contained unit except of course the staircase which is common. Nothing else, Sir, is common. A particular suite in a mansion has got nothing to do with the rest of the house and the difficulties mentioned by Mr. Mallik cannot possibly arise in this case, because, as I have said, in all these mansions the suites are so made that it is not possible for a Ward Surveyor to make a mistake. Ordinarily the Assessment Department place two sets of numbers for these mansions one set in front of the house and one set number to each suite. That obviates any possible difficulty that may arise. Sir, in all these cases you have not even to give separate water connection. You have only one water connection as it is not possible for the Corporation to give water connection to a high building. The owner, therefore, has got to put up pumps. On this score also there is no possibility of any difficulty arising. I submit it is not fair to the owner that he should be called upon to pay taxes for the whole house when perhaps half the number of suites are vacant. My amendment, if accepted, will help the owner and not deprive the Corporation of its just dues.

Babu SURENDRA NATH MALLIK: Sir, it is for the Government to see whether they would accept this motion or not. I may point that this motion is worse, because it begins with the word "shall" leaving no option to the Corporation.

The Hon'ble Sir SURENDRA NATH BANERJEA: Government will not accept the motion.

Babu Jatindra Nath Basu's motion was then put and lost.

Mr. D. J. Cohen's motion was then put and lost.

Adjournment.

The Council was then adjourned till 3 P.M. on Friday, the 23rd February, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council Assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 23rd February, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 84 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—

MR J. Y. PHILLIP

Starred Questions

(to which oral answers were given).

Secondary schools with commercial classes.

*LXVII. **Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) what is the number of secondary schools which have opened Commercial classes;

(*ii*) what are the subjects taught in them; and

(*iii*) what are the qualifications of the teachers teaching those subjects?

(*b*) Are the Government considering the desirability of helping those secondary schools with any further grants?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) (*i*) Two secondary schools in the Chittagong and one in the Dacca division have opened Commercial classes. The Maharaja of Cossimbazar's Polytechnic Institute, Baghbazar, also has Commercial classes, but the classes here are not strictly part of the school but a separate institution with separate finances.

(*ii*) Typewriting and telegraphy generally.

(*iii*) The teacher in the Dacca division is reported to be well qualified. Of the two teachers in the Chittagong division, one passed the Telegraph examination from the Assam-Bengal Railway Telegraph Class, and the other completed a course of shorthand and typewriting.

(*b*) No general pronouncement can be made; each case is considered on its own merits.

Appointment of a member of the Legislative Council as non-official visitor of District Jail, Bakarganj.

***LXVIII. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** With reference to the reply given on the 12th February, 1923, to clauses (*a*) and (*b*) of my starred question No. LX, will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state the name of the member of this Council who has been appointed as a non-official visitor of the Bakarganj District Jail?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Mr. H. L. Stephenson): Rai Nibaran Chandra Das Gupta Bahadur.

Unstarred Questions

(answers to which were laid on the table).

Insanitary condition of Chittagong and Cox's Bazar town.

401. Babu ANNADA CHARAN DUTTA: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the present insanitary condition of Chittagong including Cox's Bazar, where cases of malaria, typhoid, black water fever, small-pox, cholera, and other diseases are prevalent during the whole year?

(*b*) Are the Government considering the desirability of taking steps to improve the Cox's Bazar dispensary by providing wards for cholera, dysentery and phthisis?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) Statements showing the mortality figures of the district of Chittagong and of Cox's Bazar town according to various diseases for the last ten years are laid on the Library table.

(*b*) The Cox's Bazar dispensary is maintained by the municipality and the district board. The question of providing wards for cholera, dysentery and phthisis should, in the first instance, be considered by the authorities responsible for its maintenance.

Scarcity of drinking water in Bogra.

402. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that there is a scarcity of drinking water in Bogra at the present time;

(*ii*) whether it is a fact that the river Karatoya, and the tanks, *bils*, *khals* and wells in that district are being gradually dried up;

(*iii*) whether he is aware of the fact that owing to the scarcity of drinking water in the villages in Bogra district there has been deterioration of public health;

(*iv*) whether there is any scheme for starting water-works in Bogra town; and

(*v*) if so, how far has that scheme advanced?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Yes, to some extent, this is the case.

(*ii*) Yes, especially this year.

(*iii*) There is no specific information on this point, but the public health must always suffer if the water-supply is inadequate.

(*iv*) Yes.

(*v*) The Chief Engineer, Public Health Department, has suggested that an experimental bore hole should be sunk, and the scheme revised and based upon a bore hole supply, if the boring proved to be a success.

No funds, however, are available.

Government grant to Calcutta University.

403. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that in the year 1921-22 out of a total expenditure of Rs. 8,09,793-4-6 in the Department of Arts and Science of the University of Calcutta, the contributions by the Government amounted to Rs. 68,135;

(*ii*) whether the Accountant-General, Bengal, said in his report that the University funds have been misapplied or misappropriated;

(*iii*) if so, in what portions of the report did he say that; and

(*iv*) if the answer to (*ii*) above is in the negative, why did the Hon'ble the Minister impose conditions to the grant of Rs. 2½ lakhs made by the Bengal Legislative Council without any conditions?

The Hon'ble Mr. P. C. MITTER: (*i*) From the passed budget estimates of the Calcutta University for 1922-23 it appears that the total expenditure on the post-graduate teaching in Arts and Science in the University during 1921-22 amounted to Rs. 5,87,967. The contributions made by this Government and the Government of India in that year towards the Scheme, including the University Science College, were Rs. 68,000.

(*ii*) to (*iv*) The member is referred to the replies given to clauses (*v*) to (*ix*) of question No. XV-A asked by him at the meeting of the Legislative Council held on the 25th January last.

Sanitary drainage of Pabna town.

404. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether he is aware –

(*i*) that Pabna is an insanitary town, and the public health of the place is materially affected for want of proper drainage;

(*ii*) that stagnation of dirty water in the drains has been the breeding-ground of mosquitoes, and the cause of the outbreak of malaria of a malignant type and of contagious diseases in the town; and

(*iii*) that the Pabna municipality is too poor to undertake the drainage scheme?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) and (*ii*) Pabna, in common with many other Bengal towns, is insanitary and the population suffers from the incidence of preventable disease.

In the absence of an adequate water-supply for flushing purposes, the construction of pucca drains would be of little value.

Malaria-carrying mosquitoes do not breed in filthy water and it is not the presence of foul and stagnant water which produces malaria at Pabna.

The Director of Public Health is of opinion that a flood-flush drainage scheme, such as the Jangipur Scheme, might be suitable for Pabna.

(*iii*) Government have not recently examined the financial position of the Pabna municipality.

Free medical aid to Government servants.

405. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether Government servants are entitled to get medical aid and medicine free?

(*b*) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the number of Government servants in the different district headquarters and subdivisions together with the respective amounts granted in lieu of civil stores?

(*c*) Do the grants in lieu of civil stores meet the cost of medicine spent for the Government servants?

(*d*) If not, are the Government considering the desirability of increasing the amount for the sanctioned civil stores?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The member is referred to the reply given on the 24th January, 1923, to clauses (*a*) (*i*) and (*ii*) of unstarred question No. 94 put by Dr. Jatindra Nath Moitra.

(*b*) A statement is laid on the Library table.

(*c*) In some cases the grant appears to be inadequate.

(*d*) No such proposal is under the consideration of Government. The present grants are based on a long-standing agreement between Government and the dispensaries concerned.

Tetulia-Sripur khal.

406. Babu BHISHMADEV DAS: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware—

(*i*) that the excavation of the Tetulia-Sripur Khal was undertaken long ago by the Faridpur district board as an urgent work, but subsequently abandoned by the board;

(*ii*) that a petition was submitted to the Magistrate and Collector of the district by the inhabitants of the adjoining villages for taking action under the Agricultural and Sanitary Improvements Act;

(*iii*) that the Collector did not take any action on the ground that there was a proposal before the district board for excavating a drainage khal connecting the Sadar subdivision with Gopalganj; and

(*iv*) that the district board is not likely to undertake such a project in the near future?

(*b*) Are the Government considering the desirability of taking steps for the excavation of the khal as early as possible?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) to (*iii*) The answer is in the affirmative.

(*a*) (*iv*) and (*b*) The district board submitted a scheme to Government which was examined by the Irrigation Department. The views of Government were communicated to the district board in the Local Self-Government Department's letters No. 262, dated the 9th June, 1922, and No. 10P.H., dated the 5th January, 1923 (copies of which are laid on the Library table). The Irrigation Department have not the staff to undertake the inquiry referred to in the letter dated the 5th January, 1923, during the current year, but it is hoped that the inquiry will be taken up in April next.

Union boards in Dacca.

407. Rai PYARI LAL DOSS Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the names of union boards established in the district of Dacca in the years 1920, 1921, and 1922, respectively;

(*ii*) the number of those union boards which have been established without the consent of the residents and ratepayers of the unions;

(*iii*) the number of those union boards wherein there was election for members; and

(*iv*) the number of those boards wherein there has been constitution of union boards by nomination?

(*b*) Will the Hon'ble the Minister be pleased to state whether the union boards' accounts are regularly checked by auditors?

(*c*) If not, are the Government considering the desirability of having the accounts regularly checked by Government certified auditors?

(*d*) Will the Hon'ble the Minister be pleased to state whether the accounts of the union boards are checked by Circle Officers?

(*e*) Will the Hon'ble the Minister be pleased to state whether the Circle Officers are certified and have the required qualifications to audit accounts under the Government regulations?

(*f*) Will the Hon'ble the Minister be pleased to state whether it is a fact that Circle Officers partake of the hospitality of the Presidents of unions?

(*g*) If so, are the Government considering the desirability of inquiring into this matter and of putting a stop to it?

(*h*) Are the Government considering the desirability of placing the union boards absolutely under the control and supervision of the district board?

(*i*) Will the Hon'ble the Minister be pleased to state —

(*i*) how many Circle Officers there are in the district of Dacca; and

(*ii*) how many unions and union boards are placed in charge of each Circle Officer?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) The establishment of 224 union boards in all has been sanctioned in the district of Dacca, viz., 130 in 1920, and 94 in 1922. Of these, all but 10 have actually been constituted. For the names of boards sanctioned the member is referred to notification Nos. 4261 to 4264-L.S.-G., dated the 5th January, 1920, and Nos. 1869 to 1872-L.S.-G., dated the 19th April, 1922, which were published in the *Calcutta Gazettes* of the 7th January, 1920, and 10th May, 1922, respectively.

(*ii*) Nil. The local people were consulted in all cases.

(*iii*) 130 in 1920, and 62 in 1922.

(*iv*) 22.

(*b*) No. In some union boards, however, the accounts are being checked by a member appointed by the union board, as provided in the rules under the Village Self-Government Act.

(*c*) No.

(*d*) Yes, at least once a year in addition to occasional inspection of accounts.

(*e*) Circle Officers are not certified auditors, but having passed the departmental examination in accounts, they appear to be competent to audit the union board accounts which are simple.

(*f*) Circle Officers do not quarter themselves on Presidents uninvited. Hospitality is sometimes offered and accepted in circumstances in which it would be churlish to refuse. Owing to the lack of inspection bungalows in this district Circle Officers sometimes put up with a President when invited to do so.

(*g*) No.

(*h*) No.

(*i*) (*i*) 9 Circle Officers.

(*ii*) 24 union boards and 15 unions on an average.

Government Bill.

The Calcutta Municipal Bill, 1921.

The following amendments were, by leave of the Council, withdrawn:—

CLAUSE 137A.

Babu JATINDRA NATH BASU: "That for clause 137A, the following be substituted, namely:—

Assessment in case of land or building subdivided into separate shares.

'137A. If the ownership of any land or building be subdivided into two or more shares, whether such subdivision be by metes and bounds or not, the Executive Officer may, on the application of any of the co-owners, divide the valuation of such land or building in the following manner, namely:—

(*i*) if the ownership on such subdivision consists of two or more shares without separation by metes and bounds, the Executive Officer may value such shares separately without assigning any separate number;

(*ii*) if such subdivision is made into two or more parts by metes and bounds so that the separate parts are capable of independent enjoyment, the Executive Officer shall apportion the valuation amongst the several parts and shall assign separate numbers to such parts.'"

Rai FANINDRALAL DE Bahadur: "That for clause 137A, the following be substituted, namely:—

'137A. If during the currency of any period prescribed by subsection (*1*) of section 135, any land or building is owned by

several persons in separate shares, the Executive Officer may on the application of any such persons apportion the valuation among the several persons according to their respective shares and may allow separate numbers to each such separated share:

Provided that such apportionment or separation of the numbers and assessment, as the case may be, shall remain in force and the consolidated rate shall be levied accordingly until the expiration of the said period, and such apportionment or separation of numbers shall be for the purpose of this chapter only."

Babu SURENDRA NATH MALLIK: "That in clause 137A, lines 6, 16, and 41, for the word 'assessment' wherever it occurs the word 'valuation' be substituted."

Raja RESHEE CASE LAW: I move that

At the end of clause 137A (*n*) the following be inserted, namely:—

"Provided that by such separate assessment the total assessment for the entire premises shall not be increased."

At the end of clause 137A(*m*), the following be inserted, namely:—

"Provided that by such separate assessment the total assessment for the entire premises shall not be increased."

In the proviso to clause 137A, line 1, after the word "provided" the word "also" be inserted.

The object of the amendments proposed by me is to remove any ambiguity regarding the intepretation of the section and to give effect to the intention of division only and not increase of assessment as expressed in the main clause of the section.

Babu SURENDRA NATH MALLIK: There is some misapprehension in my friend's mind which I must remove. With regard to his first amendment—"Provided that by such separate assessment the total assessment for the entire premises shall not be increased,"—I think this idea is absolutely unworkable, because you will be pleased to notice that after separation it might be that one portion of the premises is used as a dwelling house and the other portion as a rented house. So there cannot be the same basis and it has got to be separately assessed. Then as regards a piece of land. You have got one bigha of land the value of which might be Rs. 30,000. If it is divided into four parts, the average valuation will be Rs. 10,000 for each plot, and the total valuation will be Rs. 40,000, and it may also happen in some cases that the valuation may become less after partition. So if this amendment is

accepted, it will involve a good deal of loss to the Corporation and, in certain instances, to the ratepayers themselves. If the Raja Sahib would consider the position from that point of view, he will be in a position to find out that it is not possible to accept his amendment.

Raja RESHEE CASE LAW: Probably I have not made my meaning quite clear. What I mean is this: supposing there is a residential building and a portion of it is demolished and re-erected, then the assessment of the re-erected portion should be increased. Supposing that was assessment under the circumstances stated by the Raja Sahib, but certain conditions may arise, as Mr. Mallik sugested, when some increase in the assessment may be justified.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): I may point out that the present practice in the Assessment Department is not to increase the assessment under the circumstances stated by Raja Sahib, but certain conditions may arise, as Mr. Mallik suggested, when some increase in the assessment may be justified.

Babu JATINDRA NATH BASU: I rise to support the amendment of Raja Reshee Case Law. The amendment is intended to uphold an important principle of assessment which has been prevalent in Calcutta and elsewhere. The principle is that the general valuation of lands made in Calcutta or elsewhere must be for a certain definite period—in Calcutta it has been for six years. At the end of every six years a general revision of assessment is made, and if during the intermediate period there is any change of ownership or use, that does not affect the valuation. Mr. Mallik says that in the event of ownership being split up, a house may be so divided that part of it may be used for residence and part of it may be let out, and in that way difficulty may arise. But when a house which is assessed at a general revision on a residential basis may, after two years, be let out. The Corporation does not alter the rate but continues the rate till the end of the six years' period. If at the end of that time they find that the house is let out, then it is assessed on a letting basis instead of a residential basis. The other difficulty anticipated by Mr. Mallik will not arise as there is ample provision in the Bill under which if there is any change by erection or re-erection the holding can be immediately revalued. The hardship which the Raja Sahib desires to provide against is this, that during the period when general revision remains in force the Corporation should not have the power to increase the valuation again, so that there may not be an increase at the time of an intermediate valuation by reason of the ownership being split up. The valuation should remain the same and that is a sound principle which has always been accepted and it should be made clear in the Act.

Rai Dr. NARIDNAN DUTT Bahadur: I would also like to say that it would not be desirable from the ratepayers' point of view to allow that power to the chief executive officer, namely, to increase the valuation of any building during the six years' time. The present system of having a revision once for every six years has its defects as well as its advantages, both on the side of the Corporation as well as on that of the ratepayers. This amendment is necessary to give redress to a party which finds it necessary to divide premises into different parts and to have the assessment apportioned amongst the different co-sharers. Taking advantage of a partition, I do not think the Corporation will be justified in increasing the valuation. So, I cannot agree with my friend, Mr. Mallik, and I have every sympathy with the proposal made by the Raja Sahib.

Babu AMULYA DHONE ADDY: I beg to support the amendment because under the existing practice the valuation cannot be increased; and, therefore, the executive officer should not be authorized to take the opportunity of a partition for the purpose of increasing the valuation. It has been said that a dwelling house may after partition be used as a rented house. That may be the case with all other premises. Of course, if a portion of a building is materially improved then, and then only, the Executive Officer may be allowed to revise and increase the valuation, otherwise not.

Babu SURENDRA NATH MALLIK: May I say a word by way of personal explanation. The rule is that the assessment should not be disturbed within six years. But there is exception even if there is no partition. You put up some additional structures and the Corporation come down and say—"Look here, you have made this addition and that is liable to be assessed and you will have to pay so much." That interference with the rule is allowable only where there has been a change of circumstances. Supposing there is a house occupied by two brothers—

Babu JATINDRA NATH BASU: May I rise to a point of order? Is Babu Surendra Nath Mallik entitled to make a second speech?

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Well, of course, I do not know how much longer——

Babu SURENDRA NATH MALLIK: These things cannot be explained in a word.

Mr. PRESIDENT: I think Jatindra Babu is quite right. If it is a long speech, I am afraid I cannot allow it. I think you had better not say anything further about the two brothers.

Babu SURENDRA NATH MALLIK: Supposing there is one house and it is divided into two parts and there is a new 40-foot road in front of one portion. The valuation of that portion will be increased three times and the Corporation although it will spend so much on the new road will get nothing. That is the position.

The following motion was then put and a division taken with the following result:—

"That at the end of clause 137A (*ii*), the following be inserted, namely:—

'Provided that by such separate assessment the total assessment for the entire premises shall not be increased.'"

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Cohen, Mr. D. J.
Das, Babu Bhishmadev.
De, Rai Bahadur Panindralal.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Indu Bhushan.
Haq, Shah Syed Emdadul.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Law, Raja Reshee Case.
Moitra, Dr. Jatindra Nath
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Raheem, Mr. Abdur.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. Krishna Chandra.
Rishi, Babu Rasik Chandra.
Ray, Babu Jogendra Krishna.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sen, Babu Mani Lal.

NOES.

Banerjea, the Hon'ble Sir Surendra Nath.
Bentley, Dr. C. A.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Chowdhury, Maulvi Fazlal Karim.
Deare, Major-General S. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Emerson, Mr. T.
Farequi, Mr. K. G. M.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Harnett, Mr. W. W.
Huntingford, Mr. G. T.
Hun, Maulvi Ehramul.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Miller, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhone.
Philip, Mr. J. Y.
Ray, Rai Bahadur Upendra Lal.
Rahim, the Hon'ble Sir Abd-ur-.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. G. N.
Roy, Raja Manilal Singh.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Travers, Mr. W. L.

The Ayes being 35 and the Noes 31, the motion was carried.

The following motions were then put and agreed to:—

"That at the end of clause 137A (*iii*), the following be inserted, namely:—

'Provided that by such separate assessment the total assessment for the entire premises shall not be increased.'"

"That in the proviso to clause 137A, line 1, after the word 'provided' the word 'also' be inserted."

Babu JATINDRA NATH BASU: I move that in clause 137B, line 2, the words "having ceased to be entirely independent or capable of separate enjoyment" be omitted.

The previous clause, which we discussed just now, provides for the apportionment of assessment in case there was a division during the intermediate period; but this clause (137B) provides for the amalgamation of different holdings into one holding during the intermediate period. There is no use in having these words in the clause.

Mr. PRESIDENT: You can move also amendment No. 283.

Babu JATINDRA NATH BASU: I move that in clause 137B—

(1) in line 5, for the word "assess" the word "value" be substituted; and

(2) in the proviso, lines 1 and 6, for the word "assessment" the word "valuation" be substituted.

This is merely a verbal amendment. Suppose there are two houses side by side which are independent and separate and both belong to the same owner or are purchased by one owner during the intermediate period, such owner may choose to combine them. It will be to the profit of the Corporation if he does so.

Mr. S. W. COODE: Perhaps it will save time if I say now that Government accept the former amendment.

Rai FANINDRALAL DE Bahadur: I beg to support the latter amendment which also stands in my name.

The words in the clause are not appropriate. The property should be valued first and then assessed.

Mr. S. W. COODE: I think that the appropriate word is "assessment." The word "valuation" has a technical meaning in municipal law and appears to connote the finished result of assessment; whereas the word "assessment" refers to the operation of valuing. I have examined the English law on the subject and have also discussed this point with the Legislative Department. We think that the clause is properly drafted as it stands.

Rai FANINDRALAL DE Bahadur: I beg to withdraw my amendment.

Babu JATINDRA NATH BASU: I beg also to withdraw my amendment.

The motion was, by leave of the Council, withdrawn.

The following amendment standing in the name of Babu Jatindra Nath Basu to clause 137B, line 2, was then put and agreed to.

Raja RESHEE CASE LAW: I move that at the end of clause 137B, the following proviso be added namely,—

"Provided also that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several portions amalgamated."

The object of this amendment is that on amalgamation of separate municipal premises the total of the existing annual values may not be increased on the plea of revaluation of the amalgamated premises.

Mr. S. W. COODE: Government accept the amendment, but would suggest that in place of the word "portions" the word "premises" be substituted.

Raja RESHEE CASE LAW: I have no objection to the alteration.

The motion, as amended, was then put and agreed to.

CLAUSE 139.

Dr. PRAMATHANATH BANERJEA: I move that in clause 139 (*1*), line 3, for the word "fortnight," the word "month" be substituted.

This is a very simple amendment. My object in moving it is to give the owner or occupier of any premises which has to be inspected for purposes of valuation some little more time in order that it may suit him better. The owner or occupier may be absent from town for a few days or may be ill. If only a fortnight is allowed to him, he may not receive any notice within the time prescribed. So, I wish to extend the time from a fortnight to one month.

Babu SURENDRA NATH MALLIK: There is no necessity for it. Under the existing law, it is one week; and it has now been extended to one fortnight. The Corporation as also the Select Committee accepted it. If you go on extending the time further, the work will suffer. In the place of one week, we have put in two weeks and that is quite enough.

The motion was then put and lost.

CLAUSE 142.

Mr. D. J. COHEN: I move that in clause 142 (2), line 1, for the word "fifteen" the word "thirty" be substituted.

In this case, I simply want a little more time to be given to absentee owners who may not be in the city. The clause runs thus:—

> "Such notice shall be dedlivered within fifteen days after the publication of the notice referred to in section 140, or after receipt of the notice referred to in section 141, if such notice is received after the publication of the notice referred to in section 140."

I want that fifteen should be changed to thirty because there are many cases in which an owner may be unwell or may be absent on some business. There is no possible objection to allowing him more time because we know that between the date of receipt of the objection and the date of hearing, a very long time lapses, and under the circumstances there can be absolutely no objection to Government accepting this amendment.

Rai Dr. HARIDHAN DUTT Bahadur: I support Mr. Cohen's amendment. In our experience we have seen good many instances in which people came to us and said that their objection had been time-barred. In such cases, the Chairman can reinstitute enquiries and give the parties redress, but that is left to the sweet will of the Chairman. Instead of that, what I am disposed to think would be better is to extend the time of notice to one month. If a man forgets or sleeps over the matter for one full month, the municipal commissioner or councillor who may be approached for intervention on his behalf may turn round and say that he must take the consequences for his neglegence, but I venture to think that 15 days ought not to be considered quite sufficient.

Mr. S. W. COODE: The difficulty is that the Corporation is tied down to a rather elaborate time-table in the matter of assessments and the Corporation is not in a position to extend the period indefinitely. If it is done, difficulties will arise, objections will not be heard in time and the raising of the rates will not take effect till a later quarter. I would suggest that it might meet the wishes of the mover if we gave a direction to the Executive Officer somewhat on these lines borrowing from the Raja Sahib's amendment—"Provided that the Executive Officer, may, if he thinks fit, extend the said period of fifteen days to a period not exceeding one month.

Raja RESHEE CASE LAW: I move that at the end of clause 142 (2), the following be inserted,—

> "Provided that when any objector shows sufficient cause for his delay in delivering the notice of objection it shall be received and dealt with as if it were received in time."

Mr. S. W. COODE: I think that the amendment which I have just asked for leave to move will meet the Raja Sahib's wishes. I think that my amendment is better than his.

Raja RESHEE CASE LAW: I agree.

Babu SURENDRA NATH MALLIK: I may point out to the Raja Sahib that after the period of one month, clause 149 will come to the help of the man. Under it, the Chief Executive Officer will have the discretion to extend the period. I do not know of a single case in which the Chairman has not accepted the explanation of the objector.

Dr. PRAMATHANATH BANERJEA: I want to support the Raja Sahib's amendment.

Mr. PRESIDENT: Do you oppose the form of words proposed by Government?

Dr. PRAMATHANATH BANERJEA: I do not think that it goes far enough when we extend the time to one month only.

The amendment standing in the name of Mr. D. J. Cohen was then, by leave of the Council, withdrawn.

The amendment standing in the name of Raja Reshee Case Law was also, by leave of the Council, withdrawn.

The following amendment of Mr. S. W. Goode was then put and agreed to:—

"That at the end of clause 142 (2), the following proviso be inserted:—

'Provided that the Executive Officer may, if he thinks fit, extend the said period of fifteen days to a period not exceeding one month.'"

CLAUSE 143.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): In the absence of Rai Mahendra Chandra Mitra Bahadur; may I be allowed to move the amendment which stands in his name?

Mr. PRESIDENT: Yes.

Mr. DEPUTY-PRESIDENT: I move that in clause 143 (*1*), line 4, after the word "objector" the words "or his agent" be inserted.

The clause is to the following effect:—

"All such objections shall be entered in a register to be maintained for the purpose; and, on receipt of any objection, notice shall be given to the objector of a time and place at which his objection will be investigated."

Here I want to insert the words "or his agent" after the word "objector." I do not think that there can be any objection to this because the objector may not be present in the city. He can always be allowed to appear by an agent.

Mr. S. W. GOODE: We would rather not accept this amendment because in serving a notice one does not know who the owner's agent is. We think that the notice should be served on the owner himself. We would accept Dr. Pramathanath Banerjea's amendment which says that the objector might appear through the agent (sub-section (2) of clause 143). That would probably meet the wishes of the hon'ble member.

The motion was then, by leave of the Council, withdrawn.

Dr. PRAMATHANATH BANERJEA: I move that in clause 143 (2), line 3, after the word "objector," the words "or his agent" be inserted.

This has already been accepted by Government.

The motion was then put and agreed to.

The following amendments standing in the name of Babu Jatindra Nath Basu were, by leave of the Council, withdrawn:—

"That in clause 143 (2), line 2, the words 'or a Deputy Executive Officer' be omitted."

"That if motion No. 290 be carried, in clause 145 (2), lines 1 and 2, the words 'or Deputy Executive Officer' be omitted."

SHAH SYED EMDADUL HAQ: I move that in clause 143 (2), line 2, after the words "Deputy Executive Officer" the words "and three Councillors" be inserted.

He spoke in Bengali in support of the above amendment.

Mr. S. W. GOODE: Might I suggest that the consideration of this amendment should be deferred until we come to discuss the amendment No. 293 which raises similar points?

Mr. PRESIDENT: It has been moved and we can let it stand postponed.

CLAUSE 144.

Babu AMULYA DHONE ADDY: I move that in clause 144 (1), sub-clause (1), line 2, after the word "appeal" the following be inserted, namely:—

"either to a Bench constituted for the purpose consisting of not less than three Councillors or Aldermen elected by the Corporation, or"

There is a printing mistake. The words "who shall be elected" should be inserted after the word "Aldermen."

Mr. PRESIDENT: Do you want these words to be added?

Babu AMULYA DHONE ADDY: Yes, Sir. Under the existing Act, the assessment is made by the Chairman and if a person is dissatisfied with that assessment, he has a right to object to the Chairman

and if the party is dissatisfied with the decision of the Chairman, he has a right of appeal to the Court of Small Causes. My suggestion is this, that the party aggrieved should have a right of appeal either to the Court of Small Causes or to a Bench of councillors and aldermen who shall be elected by the Corporation. It appears under sections 113 and 114 of the Bengal Municipal Act, the person aggrieved has a right of appeal to a Bench of three municipal commissioners elected by the Commissioners of that particular municipality. It further appears that even under the Calcutta Municipal Act as well as in this Bill in the case of license fees, an aggrieved party has a right of appeal to a Bench consisting of the Executive Officer as well as three Councillors or Aldermen elected by the Corporation. What I beg to submit is that if the councillors are allowed to hear appeals in the case of license fees, why should not they be allowed to hear appeals in the case of fixing the valuation of lands and buildings of Calcutta? With reference to license fees, I will draw your attention to Schedule V, page 254, where it is said that any person dissatisfied with an order made under this schedule may appeal either to a Bench consisting of the Executive Officer or a Deputy Executive Officer and not less than three councillors or Aldermen to be elected by the Corporation; or to a Court of Small Causes having jurisdiction. My suggestion is this that when a person has a right of appeal in the case of license fees not only to a Court of Small Causes but also to a Bench consisting of councillors and aldermen elected by the Corporation, in the case of assessment of lands and buildings the person aggrieved should have a right of appeal not only to the Court of Small Causes but also to the Bench. Then it will appear that under the existing Act as well as under the Bill the councillors have been allowed to award compensation in several cases, viz., in the case of fixing the land-value, in set-back of buildings, etc. This duty has been entrusted to the councillors under the Bill. If the Executive Officer refuses the erection of a building, then the party aggrieved is entitled to get compensation and the amount of compensation is fixed by the councillors; then in the case of demolition of insanitary buildings, this has to be done by the councillors; and again, whenever a person feels aggrieved by the decision of the Executive Officer, he has a right of appeal to the Corporation. Under the existing Act, the power has been entrusted to the General Committee. So, it seems that if the councillors could be entrusted with such onerous duties, certainly they could be entrusted with the duty I have suggested. I find that in the Madras Municipal Act of 1920, the aggrieved person has a right of appeal to the commissioners. Even in England under the Corporation Act of 1882, the aggrieved person has a right of appeal to a Board. Then, Sir, the British Indian Association has said that the Executive Officer should be associated with two Councillors in the hearing of objections. The Marwari Association and the Bengal National Chamber of Commerce are also of the same opinion.

Mr. PRESIDENT: There is nothing in the amendment about the Executive Officer being associated with anybody. Your amendment is about a Bench composed of three councillors and aldermen. The Executive Officer does not come on in that fixture at all.

Babu AMULYA DHONE ADDY: Quite so, but my suggestion will appear to you to be more reasonable than the suggestion which has been made by the British Indian Association. What I beg to submit is that I do not want to interfere with the rights of the Executive Officer. Let him hear the objections of the parties aggrieved, but if a person is not satisfied with the decision of the Executive Officer then he should be allowed to submit an appeal to a Bench of Councillors. That is my contention. Even the Indian Association have stated that there should be a different Board altogether consisting of four independent gentlemen who may be allowed to hear appeals against the decision of the Executive Officer. So, it appears that all the public bodies of Calcutta have expressed this opinion that there should be a Board to which appeals may be allowed and not to the Court of Small Causes, but my suggestion is very moderate. What I beg to submit is that the party may be allowed to exercise his own discretion. If he has confidence in the Court of Small Causes, he may appeal to it, but if he has confidence in the Bench, he must be given the option of appealing to the Bench. It is the Executive Officer who makes the assessment and it is he who is allowed to hear objections against his own decision; that is the greater reason as to why there should be a different body altogether. Under the Act of 1863, the party aggrieved had a right of appeal to a Bench of Justices of Peace. Then under the Act of 1876, it was laid down that the aggrieved party may appeal either to the Bench or to the Court of Small Causes. Thus it will be seen that from 1863 up to 1888, the party had the right of appeal to the Bench. It was only in the year 1888, on the suggestion of Sir Henry Harrison who was the Chairman of the Corporation at the time, that the Legislature allowed appeals only to the Court of Small Causes, but it was strongly opposed by Babu Kali Nath Mitter as well as by other Hon'ble Members of the Council. Babu Kali Nath Mitter stated that the Bench had worked very satisfactorily and that though the party aggrieved had a right of appeal to the Bench as well as to the Court of Small Causes, he would prefer the Bench. Then, I may be allowed to say that the Bench is more competent to hear such appeals than the Court of Small Causes, because as regards land value, a judge of the Court of Small Causes cannot be regarded as possessing competent knowledge in the matter. Then, as we all know, there is great trouble incidental to litigation, unnecessary expense in the hearing of appeals in the Court of Small Causes and it was only the other day that the court-fee had been increased by 50 per cent. That is the greater reason why some other authority should be created for the hearing of these appeals otherwise I am afraid that justice would be denied.

Then, Sir, it will appear from the explanatory note of this Bill that the Select Committee are not in favour of the suggestion because as I have stated there is corruption in mufassal municipalities. There may be black sheep everywhere, but that is no reason why this power should be taken away from the commissioners. I will draw your attention to the paragraph in the report of the Select Committee about this clause. They say—"The Committee agreed that this proposal might lead to the grossest abuses." I do not suggest that the Court of Small Causes should be replaced by the Bench. What I beg to submit is that the party aggrieved may be allowed to appeal either to the Court of Small Causes or to the Bench. I question the statement contained in the paragraph that this has led to corruption in the mufassal. Though I am not a commissioner of a mufassal municipality, I know some of them, and I have great confidence in them. I beg to draw the attention of the mufassal municipal commissioners who are members of this Council. It is an insult to them to make that statement. I am really sorry that some mufassal members were not members of the Select Committee, if they had been, they would have had an opportunity of expressing their views in the Select Committee. It was only the other day that we amalgamated Maniktala, Cossipore-Chitpur, and Garden Reach, with Calcutta, and under the Bengal Municipal Act, which is still in force in those areas, the residents of those localities are entitled to have their appeals heard by the Bench. As we have amalgamated these areas with Calcutta, the result would be that unless the House will be kind enough to accept my suggestion, they will be deprived of the right which they have been enjoying since 1884. In the Bombay Municipal Act also I find that the party is allowed a right of appeal to the Bench. My suggestion is very moderate. I do not mean to say that the party aggrieved will first of all submit his appeal to the Bench and then to the Court of Small Causes, but what I submit is he may have the right of appeal either to the Bench or the Court of Small Causes.

Mr. PRESIDENT: You have made this point perfectly clear. Have you anything else to add? Your time is up.

Babu AMULYA DHONE ADDY: I have finished.

Raja RESHEE CASE LAW: I beg to support the amendment.

Mr. DEPUTY-PRESIDENT: On behalf of Rai Mahendra Chandra Mitra Bahadur I beg to move that in clause 144 (*1*), line 2, after the word "appeal" the following be inserted, namely:—

> "to a bench consisting of the Executive Officer or Deputy Executive Officer and not less than three Councillors or Aldermen elected by the Corporation or;"

The difference between the amendment which has been moved by Babu Amulya Dhone Addy and this amendment is that in this amendment we find that the Executive Officer and the Deputy Executive Officer should also be associated with the councillors or aldermen elected by the Corporation. I think it is only fair to the Executive Officers that they should be in a position to explain to the other members of the Bench consisting of three councillors or aldermen the reasons or the grounds upon which the Executive Officer or the Deputy Executive Officer came to a certain conclusion. My friend, Mr. Addy wants that the appeal should be only before three councillors and aldermen. I think that if Babu Amulya Dhone Addy had known the procedure which is adopted in the Calcutta Small Cause Court in new trial cases, he would find that whenever there is an application for a new trial it has always been heard by the Chief Judge and the Judge before whom the case was originally tried. So there is precedent for it I think that this is the better amendment and therefore I move it.

Rai Dr. HARIDHAN DUTT Bahadur: I rise rather reluctantly to oppose the amendments which have been moved. I feel that the life of a municipal commissioner is not full of roses and our lives would be made most miserable if this suggested bench of my friend Mr. Addy were given effect to. My friend has forgotten altogether that where it is a question of pound, shilling and pence, men become very selfish and try to take advantage of any situation that might arise. Sir, I would ask my friend to remember that the men who come to the Corporation as representatives of the ratepayers have to approach these ratepayers for their votes. I would rather be outspoken and point out that in return for the votes, we have to do many things which perhaps would not have been done but for the vote. [Voices: Question!] My friends might question, but they are entitled to their own experience and I am also entitled to the advantage of the experience which I have gained. Sir, what would be the condition of the municipal representatives when their influential voters would come before the Bench and when any individual member of the Bench who canvassed for these voters only a few months ago, shall have to decide questions vitally affecting his own supporters? One might ignore them altogether when sitting on the Bench, but that would not be easy. This is a fact and cannot be altogether left out of consideration. Babu Amulya Dhone Addy has pointed out that in Schedule No. V there is already a provision for the constitution of a License Appeal Bench. Sir, those who are familiar with the Corporation work, know full well that there is a good deal of difference between a license appeal and appeals against assessment. License appeals are based upon certain facts upon which everybody is competent to speak. But what about assessments? I have had the advantage of sitting at the table of the Vice-Chairman a few

years ago when he took the re-valuation of the ward which I represent, I found that in most instances the quarrel was over questions which could only be decided by an expert—questions of land valuation, questions of valuation of buildings, questions of amount of depreciation of buildings, etc. All these are things upon which certainly neither my friend Mr. Addy nor myself could be taken as an expert. No doubt during the last few years the Corporation has discovered experts among the members and sent certain gentlemen as expert representatives elsewhere. But that is a different matter. At the present moment among the members of the Corporation, is there any single person who could claim to be an expert in land value? Of course, excepting Mr. D. C. Ghose, who now sits as Assessor in the Calcutta Improvement Tribunal, and must be accepted as an expert, and Mr. A. C. Banerji, who is a representative of the Corporation to the Tribunal, and to whom I must bow for he must be an expert. Leaving these two gentlemen alone, I ask who is there in the Corporation who can claim to be an expert in land values and in valuation of buildings to go to constitute the Bench? Certainly men like myself and men like Babu Amulya Dhone Addy would not be proper men for a Bench like that! My friend has pointed out the difference between the Small Causes Court and the Bench and said how the ratepayers would prefer a Bench—I am sure the ratepayers will prefer a Bench consisting of their representatives, but why? Because they can influence them. But, Sir, that is my main reason for not supporting the amendment. The Small Causes Court judges are above that influence, for judges have not to go on canvassing. That is the reason why a Bench should not be there. My friend has quoted the remarks which have been made in the Report of the Select Committee that there is the grossest abuse in the case of mufassal municipalities. It has been suggested there that the appellate authority should be an independent and impartial body. That is also my opinion. I have some experience of one or two mufassal municipalities. I do not want to mention them. But I feel there is a good deal of justice in this remark in the Select Committee's report. In mufassal municipalities one who has influence may manage to have assessments lowered down while those who cannot approach the municipal commissioners have to bear the whole brunt of the assessment. My friend, the Deputy-President, is the Chairman of a mufassal municipality; he knows more than myself. What his experience is, I do not know. But I have heard from persons who have experience of mufassal municipalities, that such complaints are almost universally made. The remark is very widely made and I think there must be some justification for so widespread an opinion as prevails. I have given you briefly the reasons for which I am bound to oppose this proposal although I would have been very glad if I could have supported it.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I desire to oppose the amendments. My friend, Mr. Addy,

has referred to the Bombay and the Madras Municipal Acts. But he has not placed before us the whole of the case. The Acts to which he has referred are mufassal Acts of Bombay and Madras and not the city Acts, and the Bengal Municipal Act, which applies to mufassal municipalities, stands on the same footing. They have got appellate benches there. I was for 33 years chairman of a mufassal municipality. I vacated that office when I assumed my present responsibility as Minister for Local Self-Government. I thus speak with some authority about the appeal benches in the municipality to which I belong. It is more or less typical of similar appeal benches in the mufassal. I think I can say this that their decisions are unsatisfactory. There is a good deal of canvassing, a good deal of pressure brought to bear upon members and a good deal of influence exercised. And, as my friend has pointed out an elected commissioner cannot altogether rid himself of the influence of those who have helped him to rise to the position of a commissioner. The result is that those revision benches give decisions which are sometimes of an exceedingly unsatisfactory character. I may just illustrate my meaning by a concrete case. A mufassal municipality applies to a magistrate for the appointment of an Assessor in order that he might make the assessments free from local influence and prejudice. The Assessor is supposed to be an independent person being a servant of Government. The assessments made by him are placed before an Assessment Appeal Committee consisting of three or four commissioners, and what is the result? I speak with personal knowledge extending over a period of 33 years. The result is that every attempt is made to reduce the assessments made by the Government Assessor, and in many cases very successfully. Thus in many municipalities there is hardly any expansion of municipal revenue due to the revision of assessments. Does my friend want to have an Assessment Committee of that kind in Calcutta? This is a system liable to grave abuse, a system which has been tried and found wanting. In Calcutta itself under the Act of 1876 we had the same system. There was the Appeals Bench. Sir Henry Harrison, than whom I think there never was a greater chairman, whose memory is revered by all who came in personal contact with him, thoroughly went into this matter and it was at his instance that these appeal benches were done away with. No doubt some amount of opposition there was, but he found that the assessments were unsatisfactory owing to revision by these Appeal Benches. That being so, does my friend want to re-establish a state of things which has hopelessly failed? I hope the House will not accept the proposal. In the matter of assessments, let us have an independent authority. Here is the Assessor or a responsible officer of the Assessment Department who makes the assessment; the appeal is heard by the Deputy Chairman or the Vice-Chairman, and the Bill provides that if the party is dissatisfied he may go to the Small Causes Court, where we have got an independent authority untrammeled

by the pressure and influence of the ratepayers. We want to perpetuate that state of things and not go back to a condition of affairs which broke down and which should not be revived. I trust my friend Mr. Mullick will be able to bear out what I have said. I hope the House will accept the view of the Government and not revive a system which should not be there and which is liable to the gravest abuse.

Babu SURENDRA NATH MALLIK: I do not think I need hold out my candle light in the sun after the Hon'ble Minister, but I would like to put forward a few points before you for your dispassionate consideration—points which I consider to be important.

I may say that my friend, Babu Amulya Dhone Addy, has been trying to get this matter through the Corporation since 1918, but although nobody in the Corporation accepts his view still he insists on it. He insisted on this matter in the Select Committee and now discusses it here. But let us consider the merits of his amendment which is after all the chief point. If he is right he is certainly entitled to a hearing. Sir, so far as the mufassal municipalities are concerned, I have nothing to add to what the Hon'ble the Minister has said.

As regards the constitution of a Bench to hear assessment appeals, I can assure the House that the opinion of the Commissioners collectively and almost to a man is that they do not like to be put in that position at all. Nobody is willing to serve on such a committee as that. Nobody likes to be put in that unfortunate position, and nobody supports my friend in his views.

Secondly, let me take the question of continuity of standard of action. How you can form a Board which can give continuity to the basis of assessments in particular places and in particular wards is more than I can say. Now three gentlemen come and sit to-day on the committee and make an assessment with regard to a portion of a particular lane or street, giving the valuation of Rs. 3,000 per cottah; next day another three gentlemen assess the same kind of land at Rs. 4,000 per cottah; so can there be any continuity and can there be any justice? Where could you find the commissioners to come and sit on the Board from day to day? It will be a tremendous business. Besides, my friend ought to remember that it is not a fee-getting business. We cannot pay fees to persons in the Corporation hereafter; so it will be impossible for us to get people to form the Board or Bench. The thing must be done by the Executive Officer or his Deputy or some other person conversant with the facts. So I fail to see how we can accept his plea for continuity and the establishment of a Bench. May I ask my friend if he is prepared to say that the results of the working of the Roads and Buildings Committee which very largely decide questions of building sanction and similar things are satisfactory enough for him to wish to introduce things of a much more

important character before them? It is well known that building plans are sanctioned under circumstances which I need not mention. It often happens that one man gets a three-storied house with 9 feet open space at the back, while another man gets only two stories even if he has got 11 feet open space at the back. Why is this so? It is all a matter of canvassing. It is a well-known fact. Go on with all these as much as you like, but do not allow canvassing in matters of money. It is bad for the Corporation, bad for the individual commissioners. Considered from this point of view no commissioner will come to this job at all. They will get a bad name in no time. We have got to assess a house the valuation of which is sometimes 13 or 14 lakhs of rupees, if not more. We are going to have a house which will fetch a rent of 3 to 4 lakhs of rupees a year; we are also going to have houses which will fetch each about Rs. 75,000 in rates per year. My advice to the Commissioners is—Do not interfere in these things. Do not try to do things of this kind. You will get a bad name. Do not drag yourself into the possibility of being thrown into the mire and your name being soiled in the eyes of the world. That is my advice to you.

There is one other fact, and it is with reference to the question of License Appeals. It is a petty affair whether a shop-keeper has got to pay Rs. 12 or Rs. 24 on the basis of the fact whether he has one or two windows in his shop. That is not the question here. Then again from another point of view it is not going to inspire confidence in you. Suppose I have to appeal before such a Bench. Let me imagine my position. I appear before the Bench and find that the very commissioner whom I did not vote for sitting among them and going to decide my case. What will my feeling be at the time? I am almost done for in that case! So relieve everybody from that unfortunate position, relieve the ratepayers and relieve yourselves from this possible source of criticism. If you are not satisfied, you are at liberty to go to the Small Causes Court and you have also the power under this Bill to go up to the High Court even. Contest it before the Court and conduct your litigation there. That is a recognized system against which nothing could be said. But do not please introduce all these things.

Khan Bahadur Maulvi ABDUS SALAM: May I speak on the amendment, Sir?

Mr. PRESIDENT: I cannot help feeling that the relative importance of this subject must be considered to have been adequately discussed. I do not know how much longer members will go on keeping up the debate.

Khan Bahadur Maulvi ABDUS SALAM: I did not intend to speak on the subject, but after hearing the speeches I would like to say a word or two on it. I support the amendment of Babu Amulya Dhone Addy,

because it would be a triumph of the principles of self-government. Why should we not choose our own people? When we can trust our men with important administrative matters, why should we not trust them in the matter of taxing ourselves? On that principle, I support the amendment.

I do not share the modesty of my friend, Rai Dr. Haridhan Dutt Bahadur, who belittles himself and the other members of the Corporation by saying that nobody in the Corporation is fitted to decide such questions, save and except the two gentlemen whose names he has mentioned. Sir, in mufassal municipalities, the people allow themselves to be taxed by their own representatives, so why should we not do so? Are our representatives in the Corporation less efficient? I take it as a slur on the wisdom of our Calcutta members if they are considered unfit for self-taxation. Surely, if the mufassal municipalities can do this work efficiently and satisfactorily, people, too, in Calcutta, ought to be able to do likewise.

Another argument has been advanced that the Councillors of the Corporation will sit on the Board or the Bench to decide questions concerning their own voters, and, therefore, they may not take an impartial view of the case. That is not a sound argument at all. It does not necessarily follow that councillors of the same ward will sit on the committee to hear appeals from the objectors of the same ward. It can be easily arranged by appointing a councillor of, say, No. 1 Ward to hear appeals from objectors of Ward No. 2. Therefore, this argument falls to the ground entirely, and for these reasons I support Babu Amulya Dhone Addy's amendment. And I prefer his amendment to that of the Deputy-President, because the latter proposes that the Chief Executive officer or the Deputy Executive Officer should be associated with the Bench. I think it is right and proper that a man who imposes the tax which is the subject of the appeal should not be a member of the Board which hears such appeals. In the case of the Small Causes Court, Sir, the thing is otherwise. There the Chief Judge sits along with the other judges, and therefore, he is of a higher position than the judge against whom the objection has been filed. While, in the case of a Bench, if the Executive Officer, who is the taxing officer, is to sit along with other councillors, he will overshadow others, and therefore, his views will unconsciously influence most of the members of the Board. For these reasons, Sir, I support the amendment of my friend, Babu Amulya Dhone Addy.

Rai JOGENDRA CHUNDER GHOSE Bahadur: The question before the Council is a short one. I am afraid the real bearing of this matter has not yet been made clear. The question is this: Can a person dissatisfied with the verdict of the Assessor, which in most cases will be confirmed by the Deputy-Chairman, be obliged to go to a Court and incur heavy expenditure for it, or will he have an appeal heard by a

body of men, which will be less expensive? That is the question, which nobody seems to care for. Why should a person be obliged to go through the expenses of a litigation? Why should a ratepayer not have a remedy by way of an appeal to commissioners elected by the ratepayers of Calcutta? The objection about the commissioners of one ward being hampered in their decision by objectors of the same ward can be easily met, as has been mentioned by Khan Bahadur Abdus Salam, by the commissioner of other wards being appointed to try such cases.

Babu SURENDRA NATH MALLIK: A man may have property in ten wards; and then he will have a vote in each of these ten wards.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Now under the new rules a man may have only one vote and for this one vote nobody is very anxious. If he has got property in ten wards he will have a vote each in all the wards. Therefore, I say that the question in its real inwardness must be considered, that is to say, shall a person be obliged to go to Court or not. That matter has been lost sight of altogether.

Babu JATINDRA NATH BASU: I beg to support the amendment moved by Babu Amulya Dhone Addy. The intention of this Bill, as I understand the phrasing, is to invest the Corporation with as much authority as possible. In all matters as has been pointed out by Mr. Mallik, the Corporation has the final authority. Mr. Mallik has qualified that statement by stating that in matters of money if the Corporation had the authority, mischief might happen; but what is the practice? Mr. Mallik has pointed out the case of buildings involving heavy expenditure that are sanctioned by the Corporation. In the matter of improvement of *bustees* sometimes involving a lakh of rupees or over, the question can be decided by the Corporation; so it cannot be said that important matters cannot be entrusted to the Commissioners. Unless you trust people, how are you going to expect responsible conduct on their part? If you distrust them, as Rai Dr. Haridhan Dutt Bahadur and Babu Surendra Nath Mallik have distrusted them—

Rai Dr. HARIDHAN DUTT Bahadur: May I rise to a point of order and explain that I have not distrusted them?

Babu JATINDRA NATH BASU: He may not have distrusted them, but so far as he was concerned, he was so sensitive to the smiles and wiles of his electors that he would hesitate to act in a matter in which his elector was concerned. All that I can say is if Dr. Haridhan Dutt is so sensitive, he should not stand for election. We want men on the Corporation who have the respect of their electors and will do their duty. The Hon'ble the Minister has stated from his vast experience that the system of having assessment appeals decided by municipal commissioners has not worked satisfactorily. Does the Hon'ble the Minister know

that there is a great deal of dissatisfaction about the way in which assessment matters are managed in Calcutta? One of the strongest speeches that I heard him deliver was, when Sir Henry Harrison introduced this new provision in the Act of 1888, protesting against that. This is, no doubt, a matter of ancient history; but the Hon'ble the Minister knows about it; there was strong opposition all over the country. You are investing the Corporation with the authority of coming to a decision in matters involving lakhs and sometimes crores of rupees. If members of the Corporation are dishonestly minded, they can go into league with contractors and earn large commissions. Do you think they cannot do that? Does Mr. Mallik say he has lost his faith in the members of the Corporation? An unmerited charge of distrust will be put forward, if this amendment is not accepted.

The question has been raised that the members will not have expert knowledge. Nor have the Chairman and the Judges of the Small Causes Court, like Dr. Thornhill and Mr. Latifur Rahman any expert knowledge. You are going to send the ratepayers to them instead of to the members of the Corporation. In all important matters involving the decisions of questions of fact the tendency in modern times is to go before a jury: matters of life-and-death in criminal cases go before a jury. Why should there be a deviation from that practice in the present instance? There will be, under my proposal, a bench consisting of at least three Councillors to decide the matter. They will have the expert advice of the Executive, the Deputy Executive Officer, and other officers of the Corporation before them and they will also have the expert opinion that the appellant would place before them, and they will certainly be able to decide the matter. Instead of doing that you are going to invest the Small Causes Court Judges with these powers to decide such questions. The matter is of great public importance and should not be brushed aside like that.

Mr. S. W. COODE: I merely wish to point out one fact which the Khan Bahadur has misunderstood. He has suggested here that the officer who decides these appeals is the judge in his own cause That is not the case. As the Corporation members of this Council are aware, the Deputy Chairman is the head of the assessment department, at least the nominal head, but his actual work in connection with the assessments made by the Assessor, is practically nil. Assessments are made by the Assessor, but subsequently the proceedings may come on appeal before the Deputy Chairman who sits as a judicial officer, while the Vice-Chairman, who hears appeals, has no connection at all with the Assessment department. You can only urge at the most that these two officers, as servants of the Corporation, are interested in keeping the income of the Corporation at as high a figure as possible. But I have decided hundreds of these appeals myself, and I entirely repudiate the suggestion that the Deputy Chairman or the Vice-Chairman does not attempt to give an entirely impartial and judicial decision in settling these cases.

The following modified motion standing in the name of Babu Amulya Dhone Addy, was then put:—

"That in clause 144(*1*), line 2, after the word 'appeal' the following be inserted, namely—

'either to a Bench constituted for the purpose consisting of not less than three Councillors or Aldermen elected by the Corporation, or'"

and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Ertan.
Ali, Mr. Syed Nasim.
Banerjea, Dr. Pramathapath.
Basu, Babu Jatindra Nath.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Chaudhury, Khan Bahadur Maulvi Rahmatjan.
De, Rai Bahadur Faninderalal.
Dass, Rai Bahadur Pyari Lal.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Karim, Maulvi Fazlal.
Law, Raja Reshee Case.
Makramali, Munshi.
Mukherji, Professor S. C.
Nasker, Babu Hem Chandra.
Raheem, Mr. Abdur.
Ray, Babu Surendra Nath.
Rishi, Babu Rasik Chandra.
Salam, Khan Bahadur Maulvi Abdus.

NOES.

Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Bentley, Dr. C. A.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Deare, Major-General S. H.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Haridhan.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Huq, Maulvi Ekramul.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Rahim, the Hon'ble Sir Abdur.
Ray, Rai Bahadur Upendra Lal.
Ray, Maharaja Bahadur Kshaunish Chandra.
Ray, Mr. Bijayprosad Singh.
Roy, Mr. C. N.
Roy, Mr. J. N.
Roy, Raja Manilall Singh.
Sen, Babu Mani Lal.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Travers, Mr. W. L.

The Ayes being 24 and the Noes 34, the motion was lost.

The motion standing in the name of Rai Mahendra Chandra Mitra Bahadur and moved by Mr. Deputy-President was then put and lost.

The following amendment being consequential was not put:

"That in clause 144(2), line 1, before the word 'Court' the words 'Bench or' be inserted."

The motion standing in the name of Shah Syed Emdadul Haq was then put and lost.

The following amendments were, by leave of the Council, withdrawn:—

Babu JATINDRA NATH BASU to move, if motion No. 290 be carried, that in clause 145(2), line 1 and 2, the words "or Deputy Executive Officer" be omitted.

Rai MAHENDRA CHANDRA MITRA Bahadur to move, if motion No. 294 be carried, that in clause 145(3), line 1, before the word "Court" the words "bench or" be inserted.

CLAUSE 149.

Mr. D. J. COHEN: I move that clause 149(1) (c) be omitted.

This is a new sub-clause and I ask for its deletion. It appears to me to be an innovation in the wrong direction as no reasonable opportunity for the exercise of such a power can warrant itself. If you carefully look into the provisions of the law you will find that the clause is wholly inconsistent with the whole procedure of valuation.

Section 149 is a very special provision made with the object of not allowing any premises to be left unassessed to the consolidated rate and at the same time to afford relief by reducing any valuation on the ground of hardship or other just and sufficient cause. It is after all purely discretionary with the Executive Officer to reduce the valuation or not. Then there would be no finality in the matter of valuation if this power is exercised. The law provides that the valuation will hold good for six years subject to certain provisions relating to additions to and alteration in the premises. By this sub-clause it is sought to invest the Executive Officer with special power to re-open any valuation including those determined on appeal to the Court of Small Causes or the High Court. In so far as the valuations fixed by Courts are concerned, there can be no question that these should not be liable to be disturbed and I do not think it necessary to labour this point. As to cases which will be decided by the Executive Officer and his Deputy, in view of the fact that the intention of the Legislature is not to disturb valuations for a period of six years subject to certain provisions relating to additions to and substantial alterations in the premises, I am of opinion that a power like this should not be given, especially as it may be arbitrarily used. Who is to decide whether there has been "fraud" or "wilful misrepresentation" practised. Shall we be justified in authorizing the Executive Officer who has previously determined the valuation after full hearing in the presence of both the landowner and a senior representative of the Assessment Department to decide this point and to go behind the valuation previously determined by him and to increase

it? It is true that the sub-clause provides that in such cases, the party will still have the opportunity of appealing to the law courts against this fresh valuation, but the law courts have not been authorised to enter into the question whether fraud or misrepresentation has been proved in a particular case, which would justify a fresh valuation. This would accordingly operate very harshly on the public. In moving for the deletion of this sub-clause I wish to make it clear that it may be quite likely—the Chairman has more knowledge on this point—that there are a few stray cases of fraud or misrepresentation practised in this respect in Calcutta, and if this be so, it presupposes that the Assessment Department is not quite above suspicion in which case there will be this additional reason why this sub-clause is likely to operate unfairly. What is easier than for an unscrupulous underling to tempt a landowner to put down a lower figure in the returns which is required to be submitted by him, and after the valuation has been fixed, to use this knowledge at some future date either directly or through another officer, an associate of his, as a sword of Damocles over the head of this unfortunate man, and thus open the doors wide for blackmail? The method of fixing valuations by the Assessment Department is to my mind a comparatively effectual safeguard against fraud and misrepresentation. The ward Surveyors get the particulars, then the assistant Surveyors fix the valuations not necessarily on the rent stated by the owner and occupier which may or may not be correct, but on a fair rental basis, after consulting the Assessor or the Deputy Assessor as the case may be and the valuation will be considered as the valuation fixed by the Executive Officer. Objections to valuations will then be heard by the Executive or Deputy Executive Officer in the presence of the owner and the Assistant Assessor or in some cases the Assessor personally. I may here state that a considerable time lapses between the filing of objection by a party and the hearing of his objections and the Assessment Department and the Executive Officer will get ample opportunity to examine the objections as to the correctness or otherwise of the objections. All cases of a particular street are ordinarily decided at the same time. The Department is always zealous to support its valuation and in order to do so, it has to show the Executive Officer how they arrived at a particular valuation. It will not be very difficult for an experienced Executive or Deputy Executive Officer who hears at about the same time all the cases of a particular street and locality, to detect palpable cases of fraud or misrepresentation. I mention this because from the wording, the intention is to empower the Executive Officer to increase the valuation in palpable cases of this kind.

If again this clause be retained here will be no fixity for six year. The property may change hands and the purchaser may be called upon to pay higher rates for no fault of his. It would lead to unnecessary harassment and open a door to complication, friction, and even corruption. Even in land acquisition proceedings it is well known that the Land

Acquisition Collecter after he has made his award neither he nor the Land Acquisition Judge can reduce the amount thereof. It might admit of being increased in amount but not reduced. For these reasons I strongly oppose the retention of this uncalled for provision.

May I also move amendments No. 299 and 300?

Mr. PRESIDENT: Yes; will you please?

Mr. D. J. COHEN: I also move that, if the above amendment be carried, provisos (*i*) and (*ii*) to clause 149(*1*) be omitted.

I also move, if amendment No. 298 be not carried, that after proviso (*ii*) to clause 149(*1*), the following be inserted, namely,—

"(*iii*) Provided that clause (*c*) shall not apply to any valuation of premises determined on appeal to the Court of Small Causes or to the High Court as the case may be."

So far as this amendment is concerned, I have touched upon it while speaking on amendment No. 298, that is to say, I cannot think of cases, which ought to be decided by the Small Causes Court or the High Court, being decided by the Executive Officer. I trust all these amendments will be accepted.

Babu JATINDRA NATH BASU: I move that in clause 149—

(*1*) in sub-clause (*1*), sub-clause (*c*) and provisos (*i*) and (*ii*) be omitted, and

(*2*) in sub-clause (*2*), lines 1 and 2, the words "or clause (*c*)" be omitted, and in line 3, for the words "the first or second proviso," the words "the proviso" be substituted.

This amendment is the same as Mr. Cohen's. I do not want to say anything more.

Rai Dr. HARIDHAN DUTT Bahadur: I want to point out that under the present Act the Chairman of the Corporation has the right to reduce the assessment when he finds reasons for doing so, but he has not the right to increase the assessment after it has been once finished.

[At this stage the Hon'ble the President left the Chamber and Mr. Deputy-President took the Chair.]

It was contended by the present acting Chairman that if he had the right to reduce, he should also be given the right to increase, if he found that desirable. We had a long fight over this matter and without disclosing the secrets of the Select Committee, I may be permitted to point out that in that committee this question was threshed out, and eventually it was decided to accept a compromise and allow the Chairman to have the right to increase only in exceptional cases. My friend, Mr. Cohen, and myself were in the same boat on that occasion and we had been

quarrelling with the present Chairman of the Corporation as to whether any extraordinary right should be given to that officer. Eventually we were impressed with what had been pointed out to us, viz., that in matters of this kind if there were proofs of fraud and misrepresentation, the Chairman of the Corporation would be justified in increasing the value of the particular property. My friend, Mr. Cohen, will perhaps admit that we were impressed to such an extent that we agreed to accept the compromise. In view of that the wording has been arranged as in the Bill before us. After that, at least for my friend, Mr. Cohen, to come here and raise the same question, does not seem to me to be playing the game. I would point out——

Mr. D. J. COHEN: May I offer an explanation? That very day I thought that I did something wrong; I spoke to the Chairman and told him that I was going to raise this question in the Council.

Rai Dr. HARIDHAN DUTT Bahadur: That is all right; he has a right to do so and I cannot object to his bringing this matter before the Council, but what I want to point out is that the words that have been put in the clause need not be objected to. The Chairman has been given the right to increase the assessment in very exceptional cases. My friend's attention might be drawn to the wording of the clause. The point is very clear here, "at the time of the last general valuation when such premises have been substantially undervalued by reason of misrepresentation or fraud" So there must be substantial undervaluation. If it is a question of Rs. 100 or Rs. 200, certainly the Chairman is not going to exercise his discretion. There must be substantial undervaluation by reason of misrepresentation or fraud. Surely, my friend does not hold a brief for a man who has got his assessment materially undervalued by misrepresentation or fraud. I should be the last person to believe that my friend would countenance a party practising misrepresentation or fraud. None can have any justification to plead for a man who has stooped to practise misrepresentation or fraud; that man requires no sympathy. My friend says if in the Assessment Department there are black sheep who practise this fraud, then the Chairman of the Corporation ought to clear his office of these people. He is right in that. But the Assessment Department does not consist of one or two persons; it has a host of men. Supposing any ratepayer is clever enough to bribe one of the sub-assessors or a petty officer of the department, what would be the result? By paying Rs. 50 to a petty officer one might make a saving of Rs. 1,000 a year. If any such case of fraud is detected and brought before the Chairman, I personally feel that the Chairman should be given authority to undo the mischief caused by the fraud. One point that strikes me in this connection is this. If we insert a clause like this, it will be a deterrent upon those who are disposed

to practise fraud. Suppose XYZ practises fraud and keeps down his assessment. If he knows that after a few months the fraud might be detected, when the whole thing will be undone and the Chairman will increase the assessment, he will think twice before he goes to an officer of the Assessment Department and offer bribes. That is very important, and once more I say that if you keep a clause like that it will act as a deterrent. Therefore, I would advise my friend to take this view into his consideration, and agree to accept the clause as laid down in the Bill.

Babu SURENDRA NATH MALLIK: Rai Dr. Haridhan Dutt Bahadur has given the history of how this clause came to be inserted in the Bill. This is the result of a compromise arrived at between us. Mr. Cohen accepted it, and as he says he subsequently changed his mind and came to me saying he was unwilling to accept it and would raise the matter before the Council. Never mind that. Mr. Cohen and Dr. Dutt were asked by me to help in securing better moral conditions in the Assessment Department, and in fact, in every department of the Corporation. At that time I thought I would have whole-hearted assistance and co-operation from them. Mr. Cohen has since changed his mind. The reason is this. It has been said that this power is very extraordinary; I certainly object to that, and I reply that it is an inherent power in the authority to stop fraud as soon as it is discovered. That is not an extraordinary power. I can give you instances in which you make more mistakes than I do. Suppose a magistrate sentences a man to a fine of Rs. 50 only and afterwards it is discovered that the fine which was inflicted is not commensurate with the gravity of the offence committed; you can certainly take that case up again and send that man to the High Court for the enhancement of the sentence. That is not an extraordinary power; it is an inherent power in the authority in inflicting the sentence. The original fine inflicted might have been inflicted by mistake; so not only in the case of fraud but even in ordinary mistakes the authority higher than the one inflicting the original fine has the inherent power to increase that of course it is a fact that both in the civil and criminal courts there is the inherent power of rectifying the situation. I have simply asked for that power. There is a clause in the Act which says that the Chairman may at any time reduce the assessment. If the ratepayers can ask for that for any reason, cannot then the Chairman ask for power which will entitle him to revise an assessment which was done through fraud and misrepresentation? Is it too much to ask? I am surprised that my hon'ble friend, Mr. Cohen, after having agreed to this in the Select Committee, has thought it proper to withdraw the assistance he promised me for taking steps against fraud. Secondly, Sir, we are looking to the future. I am sure that this provision in the Bill will act as a deterrent. If this clause appears in the Bill and if the party knows

that in spite of the Ward Surveyor's remissness his assessment is liable to be revised by the Executive Officer he will not readily enter into fraudulent transactions. Therefore, I say that if in the course of inspection the Deputy Chairman sees that a certain property has been valued at Rs. 500 and a property alongside it has been valued at Rs. 1,000 he shall have the power to investigate the matter and, if need be, to revise the assessment provided there was fraud or misrepresentation in the matter. It is by this way we shall eradicate the possibility of fraud.

Then there is another thing. The clause says that when the property is substantially under-valued—in that case is it not reasonable for me to interfere in the interest of the Corporation? There is another way of looking at it. If we do not take this power, any one who can bribe or deceive the Corporation officers will go scot-free and the poor people will have to pay. The poor people will have to find the money which by right belongs to the Corporation, whereas the rich and unscrupulous people will go scot-free. My hon'ble friend has got 16 years' experience of the Corporation and if after that experience he withdraws his assistance from me in my attempt at checking fraud and dishonesty I have nothing to say.

So far as Mr. Cohen's motion No. 300 is concerned I fully accept that because that was the understanding. It says that when the matter was settled in the Court it should be final and I am perfectly willing to accept that. In that case there must be a finality, but where I definitely know that here is a man who has fraudulently had his assessment substantially reduced I should have the power of revising the assessment. I know of a concrete case. A person made his own cousin a tenant of his house and he showed a rental of Rs. 750 on a registered lease, but I learnt subsequently that the man was getting Rs. 1,800 and that the whole thing was a fraudulent transaction. The result is that my hands are tied for six years and instead of getting rates on Rs. 1,800 the Corporation is getting only on Rs. 750. The difference is very great and who is to pay for this difference? Is it not the poor people who has got to pay for this difference? Possibly it is difficult to detect such cases, but in any case when we can find it out we must have the power of rectifying it.

Then there is another aspect of this matter. This will have the effect of stopping wrong-doing in the office of the Corporation. Should not the Chairman have the power to do that—to cleanse his own office? From whatever point of view you look at it, it would be seen that this power is desirable. Once this power is there it will act as a deterrent to people from entering into fraudulent transactions. I am perfectly willing to accept the position that once the question is finally settled by the court it should be treated as final for six years. But in other cases when you are giving him power of reducing the taxes you should also give the Chairman the power of revising an assessment where he

has reasons to believe fraudulent transactions have been perpetrated to the detriment of the Corporation. You know that there is no remedy against fraud in the existing Act and in the Bill we are taking power to stop it. Are you going to assist me in my efforts and relieve the poor ratepayers from paying for the rich? It should be looked at from this point of view.

The following motions standing in the name of Mr. D. J. Cohen were then, by leave of the Council, withdrawn:—

"That clause 149(*1*)(*c*) be omitted."

"If motion No. 298 be carried, that provisos (*i*) and (*ii*) to clause 149(*1*) be omitted."

Mr. S. W. GOODE: I would like to accept Mr. Cohen's next amendment with a slight alteration.

Mr. Cohen's motion was then put in the following form, namely,—

"That in clause 149(*1*), the word "and" at the end of proviso (*i*) be omitted and after proviso (*ii*) the following be inserted, namely:—

'and (*iii*) clause (*c*) shall not apply to any valuation of any premises determined on appeal to the Court of Small Causes or to the High Court as the case may be.'"

The motion standing in the name of Babu Jatindra Nath Basu was then, by leave of the Council, withdrawn.

CLAUSE 154.

Babu AMULYA DHONE ADDY: I move that in clause 154, line 3, for the word "sixty" the word "thirty" be substituted.

Under this clause when any land or building has remained unoccupied and unproductive of rent for a period of 60 or more consecutive days, then the Executive Officer shall remit one-half of the owner's share. If a land or a building is lying vacant for more than 60 days, then and then only, the owner is entitled to a remission of one-half of the owner's share of the municipal rates. My suggestion is that the period may be reduced from 60 to 30 days. It would be a source of hardship for the owner of a house which is lying vacant for even 50 days if he is called upon to pay a full owner's share of the municipal rates. He does not get any municipal services for the time being; and as soon as the premises are vacant, the supply of water is cut off to his great inconvenience and hardship. I admit that, if the premises are vacant for three or four days, or for a week or even a month—the owner may be called upon to pay the owner's share in full; but, Sir, if the house is vacant for, say, fifty days and if he is called upon to

pay the owner's share of the municipal rates in full then it is not fair and equitable.

I find, Sir, that under section 187 of the Madras Municipal Act, the period is 30 days instead of 60 days. It may be said that that is a mufassal Act, but I find that in the Presidency of Bombay, under section 174 of the Bombay Municipal Act, the period is 30 days. If that be the law of Bombay, I fail to understand why it should not be so in Calcutta. It may be said that, under the Act, as at present existing, the period is 60 days, but I may be allowed to point out that it is really a source of great hardship to the owner and that is the reason why I make this suggestion.

Mr. D. J. COHEN: My object in moving this amendment is to place the owners practically on a line with occupiers. The occupier has only got to pay taxes for the period that he occupies the house. But the owner has got to pay not only for the period that his house is occupied but for the period between the time that the tenant removes and the tenant occupies the place, if such period be less than sixty consecutive days. If his house is unoccupied for 59 days he does not get any remission. There are many cases I know where the owners are sometimes forced in order to rent their houses to rent it free of rent for a day or two before the beginning of the month. What does this mean? It means the owner in order to secure that tenant whom he does not want to loose has got to pay taxes for the entire period that the house remains vacant if such period is less than sixty days and it strikes me that it is rather hard to place the owner in such a difficult position. I can understand it will be said by the Chairman that the Corporation are incurring expenditure all that time. It is true. But if the owner is called upon to pay for thirty consecutive days I think that it will be long enough and this will afford the landlord considerable relief. I support the amendment.

SHAH SYED EMDADUL HAQ spoke in Bengali supporting this amendment.

Babu SURENDRA NATH MALLIK: I beg to oppose the amendment. First of all this has been the law for all these years and it has worked well. There has been no complaint. The ordinary rule is that we should pay and the exception is that if the house remains unoccupied for 60 days we can get remission. Sir, this is another attempt on the part of landlords to refuse payment. The result of these landlords' resolution would be to throw burden on the poorer people. Suppose 30 days are accepted. Then the Corporation would lose about 3 or 4 lakhs of rupees. [Mr. D. J. COHEN: Question!] I do not accept Mr. Cohen's view of the matter, I have my own information. Now if that money is to be lost, who is to replace it? We will have to

raise the taxes and the poorer people will have to pay. Sir, the very reason why the landlords want this is sufficient proof that the taxation will fall on the poorer people.

Then, again, Mr. Addy argues that in Bombay the period is 30 days. Sir, he is wholly wrong. The law there also is 60 days as will be seen from the Bombay Municipal Act. The only question is that if the Corporation does not get its dues then in order to make good its loss in this behalf, the Corporation must tax the poorer people. That is the argument. The burden should rather fall on the landlords. Sir, this has been working for the last 45 years and there has been no complaint and it has been left to my hon'ble friends to raise the question in the interest of landlords and to move this resolution.

The motion was then put and lost.

Raja RESHEE CASE LAW: I move that the proviso to clause 154 be omitted.

My reason for moving for omission of the proviso is that it would cause hardship in many cases. It is persons in poor circumstances, or those who have title of limited ownership only, such as widows, trustees, etc., that are unable to build on their lands. It would be manifestly unjust to impose a penalty on them. Besides Calcutta proper is already overbuilt and open spaces are a necessity. In case of the suburbs to be added, it would not be fair to deprive them of a relief which in the very beginning they will so much appreciate.

Dr. PRAMATHANATH BANERJEA: I rise to support this amendment. The retention of this clause is likely to cause great hardship to owners of vacant lands in Calcutta. In many cases, these owners are poor persons who have not the money with which to erect buildings but who hope in some future time to find resources necessary for the purpose. Then there are other considerations such as ventilation, the needs of business and so forth. It is true that there is a provision for exemption from the operation of this proviso. But the poor and ignorant people will find it extremely difficult to take advantage of such exemption. I therefore urge that the proviso be omitted, and I hope the suggestion will commend itself to the official Bench which now includes among its occupants men like Babu Surendra Nath Mallik and Rai Dr. Haridhan Dutt Bahadur whom I congratulate on their promotion.

[At this stage the Hon'ble the President returned to the Chamber and took the Chair.]

Babu AMULYA DHONE ADDY: I have much pleasure in supporting the amendment of Raja Reshee Case Law. This proviso does not find its way in the Bill. Under this proviso if a land remains vacant

for three years, the owner will not be entitled to get remission of the owner's share of the municipal rates. This is the suggestion which was made before the Corporation by our esteemed friend Mr. Mallik, as the Chairman thereof. It was fully discussed at the Corporation and the Corporation has rejected it by an overwhelming majority of votes. Notwithstanding the fact our esteemed friend thought it fit to move this resolution in the Select Committee. It was also strongly opposed there. But it has been accepted by the majority of the Members of the Committee with certain modifications. Sir, we do not find such a provision in any other Municipal Act of India and I do not think any special reasons have been given as to why this provision should be incorporated in the Bill. Of course the object of my hon'ble friend appears to be a noble one. He wants to encourage the erection of buildings—he wants to encourage house accommodation and reduce the rent of buildings in Calcutta. But I may say that this is not the proper remedy. There may be special reasons for the non-erection of buildings within the period of three years—the poverty of the owner and the increase in the cost of building materials. I admit that very recently it has come down, but still it is higher than before the outbreak of the war. The cost of labour has also materially increased. We cannot, therefore, expect the owner of land to erect buildings unless he can expect a reasonable profit out of it. The depression in trade is also responsible for the non-erection of buildings in Calcutta and bereavement in families may be another. The rate of interest on Government promissory notes has gone up to 6 per cent. free of income tax. Under these circumstances you cannot expect a person to erect a building unless he sees the prospect of getting an income at least equal to the interest on the Government promissory notes.

Rai JOGENDRA CHUNDER GHOSE Bahadur: There is no Quorum, Sir.

[On a count it was found that there was a quorum.]

Mr. PRESIDENT: I shall not allow another count for the next half an hour.

Babu AMULYA DHONE ADDY: I have already stated the reasons for the non-erection of buildings. We realize Municipal rates for the services done to owners of premises. What services do you render them in connection with a vacant plot of land? Surely you do nothing—no water-supply—no scavenging—nothing of the kind. The only service which is rendered in respect of this land if it abuts on a public street is the lighting of that street. Are you justified in forcing the owner of a vacant plot of land to pay a full owner's share of municipal rates notwithstanding the fact that the land is vacant, notwithstanding the fact that no municipal services are rendered to him? It may be said

that I am a landholder and, therefore, I am moving this resolution. I admit that I am a petty landholder but I am more a trader than a landholder; and it is simply for the sake of justice that I am making this suggestion. Being a landholder I know the grievances of landholders.

Mr. D. J. COHEN: I beg to support the amendment. I may at the outset say that I have every sympathy with the object which the Chairman of the Corporation has in view, but my only object in moving this amendment is that I feel that it will create a lot of hardship on a very large number of people. I would like to draw the attention of this Council to item No. 312. These are the people who will suffer to a very large extent—the *wakf* people, the *debutter* people—people who may not have sufficient money at their disposal to develop their lands. In the case of minors also, the guardian may not have sufficient money to develop particular properties, and in this connection I would draw the attention of this Council to the wording of the proviso—"Provided that, when any land, which in the opinion of the Corporation is suitable for a building site, is not *adequately* utilized. . . ." It may be impossible for these people to *adequately* utilize such lands. It may also be impossible for certain other poor people who have just one small building and who have not got sufficient money to add to that building or to develop the site. It may be impossible for such people adequately to utilize their lands. Should these people be called upon to pay higher taxes? If this particular proviso could be so amended that it would not affect these people, I for one would be prepared to accept it, because I do feel that there are very good grounds for a proviso of this description in the case of gentlemen who are more speculators and who merely purchase lands only for the purpose of selling them at a later date at a higher price.

Rai FANINDRALAL DE Bahadur: The proviso is unjust. The resources of the owner may not be adequate to build a house within the period mentioned and simply for that reason he will be refused consideration regarding the consolidated rates. A house property is generally more paying than a vacant plot and it is to the interest of the owner to construct a building there, but then he will build according to his own convenience and no time-limit should be proposed there. I may add that this is a departure from the old Act, where no such provision exists.

Babu JATINDRA NATH BASU: My objection to the proviso is that it is an undue interference with the rights of the people. It contemplates a strange state of things. It contemplates that men would be so perverse as to act against their own interests. It would be extraordinary that a man who holds land would leave it unoccupied or without building on it if he could possibly avoid doing so. It is only exceptional circumstances that compel a man to leave his land vacant.

Circumstances as we have now may supervene. For instance, we are now faced with the effects of the war, the slump in international trade, the occupation of Ruhr by the French, etc. If the Chairman instead of inserting this proviso could persuade the French to withdraw from the Ruhr region——

Mr. PRESIDENT: Order, order! It is quite irrelevant to the matter under discussion.

Babu JATINDRA NATH BASU: What I mean is this: that if trade develops there would be no occasion for this. People will invest money in building operations and would not allow their land to lie vacant. The reason why they do not build is that trade is not brisk and money is very dear. The Chairman of the Corporation by insisting upon the insertion of this proviso in the Bill is trying to force the laws of political economy. The people of Calcutta are such great fools as to leave their lands unused without trying to derive some income by building upon or otherwise using them if they can afford to do it. Why insert this proviso to compel people to build? There are circumstances which prevent them from doing so. If side by side with this proviso Government had introduced a proviso providing money at reasonable rates of interests which these owners would require for the purpose of building upon their lands, then that would have been proper. If a provision could be inserted in the Bill that money would be advanced for building purposes then you could insist upon this proviso and compel men to build. You have not that proviso and you want to compel a man to build. There is no money now in Calcutta either in the Banks or in the market. It is an extraordinary provision.

Mr. ABDUR RAHEEM: I move that in proviso to clause 151, line 1, after the word "land" the words "not being *wakf* property nor the property of the minor" be inserted.

It has been laid down in the proviso that if any land which is suitable for a building is not utilized for such a purpose for a period of more than three years, the right to remission of rates on account of vacancy shall lapse. I consider that an exception should be made in cases of properties belonging to *wakf* estates and to minors who are not in a position to put up buildings. For instance, if a plot of land belongs to a *wakf* or *debutter* estate and the mutwalli or trustee whoever may be in charge of such land has no funds provided for a building, or in case of a minor, the minor either has no money or if he has money he has no competent person to arrange or supervise the construction work. In such cases, it would not be fair for the Corporation to take advantage of their helplessness and to levy full rates in their cases. I therefore propose the insertion of the words "not being *wakf* property nor the property of a minor" after the word "land" in the first line of the proviso.

Babu SURENDRA NATH MALLIK: I move that in clause 154* proviso—

(*a*) in line 6, for the word "otherwise" the word "not" be substituted;

(*b*) in line 7, after the word "is" the word "not" be inserted; and

(*c*) in lines 11, 12 and 13, the words "or in order that it may be used for the purposes of trade or commerce or on any other similar ground" be omitted.

At the very outset I must say that I entirely agree with the views expressed by Mr. Cohen and Mr. Abdur Raheem in their respective remarks, namely, that protection should be given to *bona fide* poor and helpless persons. I have not the least objection to it. In fact I welcome it and I have asked Mr. Goode to draft out some sort of amendment which will help us, because he will do it in a far better manner than I can do it. But there is something which I must explain to the House. My friend, Babu Jatindra Nath Basu, has been discussing without sufficiently appreciating what I really aim at. I say that here is a piece of land which you have purchased. If you do not build upon it for three years or otherwise utilize it then for these three years I am willing to give you a remission of 75 per cent. But if you persist in leaving it vacant after that period, I would ask you nothing more than to pay half the rates. Then where do these things of international politics come in?

Mr. PRESIDENT: You need not refer to them—I have already ruled them to be irrelevant.

Babu SURENDRA NATH MALLIK: Very well, Sir, then I shall first of all give the reasons why this provision is necessary. It may be that a poor man cannot build on his land for three years. I am perfectly willing to grant an exemption in respect of his land or in respect of a property belonging to a minor or helpless widow. By all means give protection in such cases. But why give it to a landlord—or rather to a land grabber? We are losing about three lakhs every year for this in the Corporation. Lots of land have been reclaimed by the Calcutta Improvement Trust at considerable expense. The land grabbers have purchased lots of these lands and are sitting tight on them without building on them or otherwise utilizing them. If in a large area 20 or more people purchase lands and only one or two build on them and the rest leave them idle, what is the result? The result is that the Corporation has to supply all the amenities there—lighting, water-supply, conservancy, etc., without getting a return of one-tenth of what they should get. You leave the land idle because you know that to keep a piece of land vacant in such areas without building or it is far more profitable than to build on it. That appears from

the speech of Babu Amulya Dhone Addy. You automatically get a rise in value of 8 to 10 per cent. every year, and the result is that this money is not forthcoming to the Corporation, although the Corporation is losing so much in service. We had to spend Rs. 63,000 for additional conservancy service for these places withut getting any adequate return. This year we have to provide about Rs. 73,000 in the northern part of the town on account of the activities of my friend, Mr. Emerson, the Chairman of the Improvement Trust. We are losing money on the one hand and you are making profit on the other. And if I say that you will have to pay something after three years if you keep your land idle, you will say I am doing an injustice. Then again, who will lose money in the end? It is the poor man again. If you purchase a land at Rs. 3,000 per cotta and keep it idle without even having a *bustee* on it, the result is I have got to assess the land not at its proper value under the law but on the value on which it can be let out. The letting value cannot be Rs. 15 per month or Rs. 180 a year, and I have to assess it at 3 or 4 rupees a cotta. That is how 12 annas in the rupee is gone. Then again remission to the extent of 75 per cent. has to be given for vacancy and the result is I get only one anna in the rupee for the rates and this for all the expenses I have to incur. You will not build on the land, nor will you allow other people to occupy it, because you know that as soon as you get a suitable purchaser you will have to give vacant possession of the land. Over and above all this you get an unearned increment every year. Is it just— is it fair to the Corporation? By all means safeguard the interest of the poor, helpless widows, *wakf* property, *debutter* property— I have not a word to say against that. But whenever you get a case of a person deliberately taking advantage of his unearned increment and putting all the expenditure upon us, is it fair that I have got to take only one anna in the rupee, whereas I shall take full 16 annas from other poor people? My friend, Dr. Banerjea has said that it will operate very harshly on the people. Well, I can understand him—he does not know the working of the Corporation. But what about my friends who, knowing everything about it, still persist in saying that this provision is unnecessary? If you persist in this, you will have to raise the rates to Rs. 20 or Rs. 21 next year and who will suffer then? The poor people certainly. Is it proper that you should do this? It is not to the interest of the Corporation, or the people at large, but only to the interest of the landlords or worse still—the land grabbers, and it is on account of this reason that this amendment should be rejected. As I have said, I am perfectly willing to give exemption in the case of *bona fide* poor persons or in the case of *wakf* property or *debutter* property.

Mr. S. W. GOODE: Government would accept a portion of Mr. Raheem's proposal, that is, the addition of the words "not being

wakf property." We think it unnecessary to add the words " nor the property of a minor," because many other properties might equally deserve exemption, *e.g.*, a widow's property, etc., so we would propose to have a more general clause to cover such cases. I would also add " *debutter* property." We would also accept Mr. Mallik's proposals (*a*) and (*b*) to rectify what are printing errors rather than drafting errors, and (*c*) of his amendment we would also accept. If, however, this last amendment is accepted without some qualification it will leave the proviso rather too rigid. I think that it is necessary that a much more general discretion should be left to the Corporation than what Mr. Mallik's proposal provides. I would suggest that after omitting the words " or in order that it may be used for the purposes of trade or commerce or on any other similar ground " after the word " ventilation " we should add the following words, viz., " or that in their opinion special circumstances exist which render it impracticable for the owner or the user of the land to utilize it." The Corporation can take all circumstances into account and decide whether this clause should be brought into operation.

Rai FANIDRALAL De Bahadur: May I inquire whether the proviso will apply to tank filled lands.

Mr. S. W. COODE: No, the usual rule is that tank lands will not be built upon for 12 years; they could therefore be exempted under the words I propose to add.

Babu DEBI PROSAD KHAITAN: There is just one portion to which I would like to draw the attention of the Hon'ble the Minister in charge, and that is the word " adequately " occurring in this proviso. The proviso as it stands says—" Provided that, when any land, which in the opinion of the Corporation is suitable for a building site, is not adequately utilized for such a purpose for a period of more than three years . . ." Suppose, for a piece of land sanction could be given for a four-storied building and a man has got only one-storied building on it. It may be said that that site has not been adequately utilized for the purpose of building. I do not see any necessity for the word " adequately " in this proviso. The whole question is whether the Corporation would allow a remission of three-fourths of the rates and taxes, and if there is a one-storied building where a four-storied building could exist, I do not see why the owner of the house should not get a remission in the ordinary course. If a man has two-thirds open space in the place of one-third, it may be said that that portion is covered by the proviso that it is necessary for the land to be left open for the purpose of ventilation. In order to safeguard these things. I hope the Government will consent to omit the word " adequately " which really should not find a place in this proviso.

Rai Dr. HARIDHAN DUTT Bahadur: I feel that what I wanted to say has already been said by my friend Mr. Cohen and others. I would only point out to my friend, Dr. Banerjea, that when he spoke of the poor in this connection he made a great error. If these vacant lands are built upon then there would be no dearth of houses for the poor in Calcutta. My friend, Mr. Mallik, has pointed out how a large number of suitable building sites are now lying in the hands of speculators who are standing in the way of an adequate number of houses being built in Calcutta. If anybody has passed through the Central Avenue recently, he must have also noticed that some beautiful building sites have been lying vacant for more than three years. After 25 year's time since the opening of the Harrison Road every bit of site on this road has not yet been built upon. Leaving these important roads if you go to the distant parts of the city, you will find innumerable building sites lying vacant which should have been occupied by suitable buildings by this time. So my friend's argument about helping the poor by asking the omission of this proviso absolutely falls to the ground. But all the same my feeling is this: that this proviso should be modified to protect those who may have real difficulties in building upon the sites, and I would take the privilege of pointing out that the modification could best be effected by the omission of the last five lines of the proviso altogether and by making it read like this:—"Unless the Corporation exempt such land from the operation of this proviso for any sufficient reason." What that sufficient reason would be must be left to the discretion of the Corporation. If we want to include all possible objections, we will have to make a long list of them, and I for myself would leave it to the good sense of the Corporation. I do not know whether my suggestion would be acceptable, but to me it appears that it will solve the difficult problem.

The motion that the proviso to clause 154 be omitted was then put and a division taken summarily in the Chamber.

The Ayes being 8 and the Noes 24, the motion was declared lost.

Mr. Abdur Raheem's motion was then put and agreed to in the following form:

> "That in the proviso to clause 154, line 1, after the word 'land' the words 'not being *wakf* or *debutter* property.'"

Babu Surendra Nath Mallik's motion was then put and agreed to in the following modified form:—

"That in clause 154 proviso—

(*a*) in line 6, for the word 'otherwise' the word 'not' be substituted;

(*b*) in line 7, after the word 'is' the word 'not' be inserted; and

(*c*) in lines 11, 12 and 13, for the words ' or in order that it may be used for the purpose of trade or commerce or on any other similar ground ' the words ' or that in their opinion special circumstances exist which render it impracticable for the owner or lessee to utilize the land as a building site ' be substituted."

CLAUSE 155.

Kumar SHIB SHEKHARESWAR RAY: I move that after clause 155, the following be added, namely:—

" *Explanation*.—A building shall be deemed to be unoccupied even when, with the previous sanction of the Executive Officer, it is left in the occupation of caretakers not exceeding three in number."

This amendment speaks for itself. Being a mufassal man myself I am rather anxious for the mufassal people. It is to give some people of the mufassal who have got houses here but for the greater part of the year live in the mufassal. These houses, therefore, for all practical purposes, remain unoccupied, but some caretakers have to remain during the absence of the owners. I therefore hope that this amendment might be accepted.

Babu SURENDRA NATH MALLIK: I do not think my friend the Kumar Sahib is serious in asking us to accept a house as vacant when it is occupied by three care-takers. I simply wonder how he can make such an absurd proposal. You will go to Benares leaving three sons in your house as caretakers and you will want remission of rates. I wonder his stretch of imagination can go so far.

The motion was then put and lost.

Here the Council was adjourned for 15 minutes.

After the adjournment.

CLAUSE 156.

Mr. D. J. COHEN: I move that in line 2 of the proviso to clause 156 the word " working " be inserted after the word " seven."

The position is this. We have already accepted that an owner in order to get the benefit of remission must prove that his house has been vacant for at least 60 consecutive days. He has, I submit, got to do something more. He has got to send the notice the very day the house falls vacant because he is only allowed remission from the day the notice is received; or in other words if a man delays by a day or two

days in sending his notice, although he can prove that his house has been vacant for 60 consecutive days, he will not get the benefit of the remission. The Select Committee has improved matters to this extent that they have inserted a proviso—"Provided that, if the notice is delivered within seven days of the vacancy, the remission shall be allowed from the date of the vacancy." This is good; but it happens sometimes, for instance during the Puja and Xmas holidays that the seven days are taken up by holidays, so there is no advantage gained in those cases. It is for this reason that I want the word "working" to be inserted because holidays will not be counted. There is no loss to the Corporation in accepting my amendment as the owner has got to prove that his house has been vacant from the date noted in his letter.

Mr. S. W. COODE: I may point out to Mr. Cohen that when the Municipal Office is shut during the Christmas holidays, all work does not cease and if the notice is received in the office during the holidays Mr. Cohen will still get the benefit of that notice, but what he is asking for in effect is this, that the 7 days shall not begin to run until the office is reopened. That will be unreasonable. If the notice is sent during the holidays, provided it is sent within seven days from the date the vacancy commenced, the Corporation do allow the vacancy to be counted. I am afraid that we cannot accept the amendment

Babu JATINDRA NATH BASU: May I point out to Mr. Goode that the word "delivered" stands in the way. If the word had been "despatched" or "sent," it would have met the case.

Mr. S. W. COODE: There are always caretakers in municipal offices to whom notices can be given or they can be sent to the Assessor's house if that is more convenient.

The motion was put and lost.

CLAUSE 157.

Babu JATINDRA NATH BASU: I move that in clause 157, line 3, for the words "six months" the words "one year" be substituted.

Mr. S. W. COODE: We accept the amendment.

The motion was then put and agreed to.

CLAUSE 160.

Mr. DEPUTY-PRESIDENT: In the absence of Rai Mahendra Chandra Mitra Bahadur, I beg leave to move the amendment which stands in his name.

Mr. PRESIDENT: Yes.

Mr. DEPUTY-PRESIDENT: I beg to move that in clause 160, lines 2 and 3, the words "or is valued at less than two hundred rupees" be omitted.

Mr. S. W. GOODE: The idea is that we should relieve poor people from the trouble of being compelled to pay. They will no doubt be charged by the owners just the same. It will also save the Corporation from the inconvenience of having too large a number of small buildings.

The motion was then put and lost.

CLAUSE 162.

The following amendment of Shah Syed Emdadul Haq was, by leave of the Council, withdrawn:—

"That clause 162 (*1*), be omitted."

Babu AMULYA DHONE ADDY: I beg to move that in clause 162 (*1*), the proviso be omitted.

Mr. PRESIDENT: Please move amendment No. 321 also.

Babu AMULYA DHONE ADDY: I move that in clause 162 (2), line 4, after the words "standing thereon" the following be added, namely,—

"Subject to the the terms of a contract to the contrary."

I suggest that they may be put to vote separately.

Mr. PRESIDENT: Yes, they will be.

Babu AMULYA DHONE ADDY: The proviso which I suggest deleting altogether runs as follows:—

"Provided that if the owner of the *bustee* is also the owner of the huts therein, no such reduction shall be made."

Under the Act, in the case of *busters*, the consolidated rate is realized from the owner. Under the Act of 1876, the municipal rates used to be realized from the hut-owners directly, but when the Bill of 1888 was under discussion in the Bengal Legislatve Council, Sir Henry Harrison stated that the charges for the collection of rates directly from the hut-owners were very heavy and, therefore, he suggested that these rates should be realized not from the hut-owners directly but from the *bustee*-owners themselves. He also suggested that a remission at the rate of 12½ per cent. might be paid, but it was objected to. His suggestion, however, was accepted by the Council. This proviso is not in existence now and it will appear from the proceedings of the meetings

of the Corporation which have been printed and circulated, that they have suggested that this proviso should be deleted altogether, and that is the suggestion which has also been made by the British Indian Association, the Marwari Association, and the Bengal National Chamber of Commerce. I am really sorry that the suggestions of these public bodies, have been ignored and what is more, the unanimous opinion of the Corporation in this matter has also been ignored.

The remission is given not only to meet the collection charges but also to meet the losses which may be suffered by the *bustee*-owners for the vacancy of the land in the *bustee*, for the removal of huts by the tenants and also for the destruction of huts by fire. If most of the huts in a *bustee* are destroyed by fire, then the *bustee*-owner is not entitled to get any remission whatever. He is bound to pay full rates in respect of the huts though they are destroyed by fire. It is significant. I do not grudge the remission in other cases, but what I beg to submit is that this proviso should be deleted altogether. If a hut is is destroyed by fire, why should not this relief be granted to him? Not only that, but it is also most inconvenient for the officers of the Corporation to prepare rate-bills accordingly. The Assessor has to prepare a list of huts in order to find out the valuation of the huts which belong to the tenants and also of those belonging to the owner. That is the reason why the departmental head and the Corporation of Calcutta are opposed to it. With these remarks, I beg to submit that this proviso should be deleted.

As regards the other question that the words "subject to the terms of the contract to the contrary" be inserted, under the law, the tenant is bound to pay the full share of the municipal rates in connection with huts and half of the municipal rates in connection with land, but generally, under the terms of lease, the hut-owner is to pay the full municipal rates to the landlord. Therefore, I suggest that these words be inserted.

Mr. S. W. COODE: The percentage of remission or one might rather say commission is the remission which is allowed to the landlord under this section in lieu of first, the expenses which he incurs in collecting the taxes from his tenants or the hut-owners, and secondly, as commutation of refunds owing to huts being pulled down, *i.e.*, for vacancies.

Now as regards the first point, that is a set-off against collection, it surely is obvious that if the owner of the land or the *bustee*-owner is also the owner of the huts, it is quite reasonable that he should be liable for the entire taxes and, if so, why should we give him 12½ per cent. commission for collecting the rates from himself?

As regards the second point, the commutation for refunds on account of huts being pulled down, it has to be remembered that if he builds additional huts during the period of assessment, he is not rated for the

additions that he makes. He is to abide by the valuation which has been made for the period of the assessment, so that there is very little force in that suggestion. With reference to the proposal for the deletion of the proviso, we think that it is essential that it should remain in the Bill.

As regards the addition which Babu Amulya Dhone Addy wishes to make under his amendment No. 321, I agree with the principle. It is reasonable that if there is a special agreement between the landlord and the tenant, they should abide by that in the payment of the rates, but it is absolutely unnecessary to insert this in the statute because it must be assumed that any general provision under this Act which provides for the division of rates between the landlords and tenants is subject—as between the contracting parties—to any special contracts which may be made between these two parties. The Bengal Tenancy Act expressly secures the raiyat from a contract opposed to the provisions of that Act, but in this Bill, there is no such clause over-riding special contracts. In the Bill, we state the normal division of the rates but so far as the tenant and landlord are concerned, this division may be varied by contract. This amendment is, therefore, unnecessary.

The motions were then put and lost.

CLAUSE 166.

SHAH SYED EMDADUL HAQ asked for leave to withdraw the following amendment:—

"That in clause 166, penultimate line of the proviso, the words 'for more than one year' be omitted."

The motion was, by leave of the Council, withdrawn.

CLAUSE 171.

Raja RESHEE CASE LAW: I move that in clause 171, lines 2 and 4, the words "owner or" be omitted.

Mr. S. W. COODE: I might just as well intervene and say that we accept this amendment.

The motion was then put and agreed to.

CLAUSE 176.

Babu AMULYA DHONE ADDY: I move that clause 176 be omitted; if this motion be not carried I would move—

(1) that in clause 176(*1*), line 1, for the word "five" the word "two" be substituted; and

(2) that in clause 176(*1*), line 2, for the word "shall" the word "may" be substituted.

There is no tax on dogs under the existing Act and the License Officer of the Calcutta Corporation has stated that it would be very difficult for him to collect this tax. Therefore I do not think that it would be advisable to levy any tax on dogs. I am assuming for argument's sake that my suggestion will not be accepted by this Council and then I would suggest that the word "shall" be substituted by the word "may" because that is the recommendation of the Corporation of Calcutta. Some members of the Corporation are of opinion that this tax should not be levied and that sufficient grounds have not been stated as to why it should be levied. Therefore they want to make an inquiry whether it would be advisable to levy this tax. That is the reason why the Corporation of Calcutta has suggested that this should be left entirely to the discretion of the Corporation. The Corporation should not be forced to levy this tax. I suggest also that for the word "five" the word "two" be substituted. Under the original Bill, the sum was two rupees and not five and it has been stated that this proposal has been made not with a view to get revenue out of it, but to have the registration of dogs. Now a sum of Rs. 2 will suffice for the registration of dogs. I beg to submit that it is quite unnecessary, because if it be the object of the Committee to have stray or diseased dogs registered, then I may be allowed to say that there is a specific provision to this effect in the Police Act and the Commissioner of Police has been entrusted with this duty. Therefore, it is quite unnecessary to have the registration of dogs. Then I beg to submit that the Bengal National Chamber of Commerce of which I am a member is strongly opposed to it. The British Indian Association has stated that the sum should be reduced to one rupee.

Rai Dr. HARIDHAN DUTT Bahadur: What is it in Bombay?

Babu AMULYA DHONE ADDY: I do not exactly remember, otherwise I would have quoted it. Therefore, I beg to submit that this section should be omitted altogether and that there should be no tax on dogs, secondly, it is very difficult to collect this tax, thirdly, the matter should be left entirely to the discretion of the Corporation; and fourthly, the amount should not be more than rupees two as provided in the original Bill.

Babu HEM CHANDRA NASKER: Dogs are perfectly docile animals. They keep watch at night. In Calcutta proper, dogs in pucca houses might be a luxury, but they are not so in the added areas, such as Karava, Tangra and other places infested with thieves, etc. It will be a great hardship to the people if they are to pay taxes for keeping dogs. I do not understand why the Bill is silent about cats and birds of Calcutta. They occupy the same position as dogs. So I support the amendment.

Mr. ABDUR RAHEEM: I beg leave to withdraw my amendment.

The following motion was then, by leave of the Council, withdrawn:—

"That in clause 176(*1*), line 1, for the word 'five' the word 'twelve' be substituted."

Raja RESHEE CASE LAW: I move that in clause 176(*1*), line 1, for the words "not exceeding five rupees" the words "of one rupee" be substituted.

The object of this amendment is shortly this: that there is no reason why you should assess more than a nominal tax upon dogs. They do not in any way add to the burden of the municipality.

The Hon'ble Sir SURENDRA NATH BANERJEA: I just want to say on behalf of Government that we oppose these amendments. I think that there is a general consensus of opinion which appears from the amendments that have been moved that a tax on dogs should be levied. Then the question is, what is to be the sum. It seems to me that there is some difference of opinion about that matter. One of the amendments fixes it at Rs. 2 and another at Re. 1. I want to point out that all that we propose under the Bill is that the tax levied shall not exceed Rs. 5. My hon'ble friends do not seem to have laid any stress upon that provision. It is open to the Corporation o reduce it to Rs. 2, or Re. 1, or even to eight annas if they think fit. Discretion is given to the Corporation. We only fix the maximum. Therefore, there need be no alarm about the tax that would be levied upon the owners of dogs. Dr. Bentley tells me that it is very necessary to regulate the keeping of dogs. There has been a very considerable increase of cases of hydrophobia off late. So, the position of Government is this: we ask the House to accept the principle of taxation on dogs, the maximum is Rs. 5, and the Corporation is at liberty to reduce it to any figure it chooses.

Rai Dr. HARIDHAN DUTT Bahadur: I wish to tell my friends at once that I am in favour of a dog tax. This question was discussed in all its bearings in the Corporation and we realized that unless we put some sort of tax on dogs, it would be difficult for us to live in the city in safety. The dogs are prolific animals and if they are left alone we will find that every creek and corner in Calcutta will be infested with stray dogs having no master to control them and the result would be that there would be a spread of rabies all over. If valuable dogs belonging to private citizens of Calcutta are allowed to roam about in the streets of Calcutta along with the stray dogs and if the police go and kill some of them, naturally the citizens will object. So, some sort of

registration is absolutely necessary to protect the lives of these valuable dogs. My friend forgets that if you want to have these dogs registered, you must have some sort of tax. As has been pointed out by the Hon'ble the Minister, for the prevention of rabies it is necessary that there should be a tax on dogs. We discussed also the point whether the tax should not be eight annas only. The difficulty is that it would not meet the expenses of collection. That is the reason why, if you allow taxation, you must give sufficient scope to the Corporation to make it worth their while to collect the tax.

The motions standing in the name of Babu Amulya Dhone Addy were then put and lost.

The motion standing in the name of Raja Reshee Case Law was put and lost.

CLAUSE 177.

The following amendment standing in the names of Babu Amulya Dhone Addy and Babu Hem Chandra Nasker was, by leave of the Council, withdrawn:—

"That clause 177 be omitted."

Raja RESHEE CASE LAW: I beg to move that in clause 177(*1*) for sub-clause (*b*) the following be substituted—

"(*b*) stamp a number specified in the said license on the collar of the dog."

My reason is obvious from the wording of the amendment. The ticket may be lost or torn away by the dog or any of his comrades and thus create difficulties. This would be obviated if the number were stamped on the collar, so that there would be no fear of effacement.

Mr. S. W. COODE: We may take it that ordinarily there must be a metal disc affixed to the collar of the dog at the time of registration. The Raja Sahib will recognize that any figure printed on leather constantly soaked in the rains will be quickly obliterated. It would not be a permanet mark. In these circumstances, I oppose the amendment.

The motion was then, by leave of the Council, withdrawn.

Babu AMULYA DHONE ADDY: I move that in clause 177(*5*), the words "either, (*a*) to be destroyed, or" be omitted.

It will appear from the sub-clause that if no person satisfies the Corporation that he is the owner or keeper of such dog, or pays the said tax on dog with costs, the Corporation may cause the dog either to be destroyed or to be sold. What I beg to submit is that I have not the slightest objection to the sale of such a dog, but I strongly object to the destruction of an anmial for the non-payment of the tax. The dog

is a very useful animal and plays an important part at night. It is better than even a constable and, therefore, simply on the ground of non-payment of the tax, it is not advisable to destroy a dog. It is said that the object is to destroy a stray dog or a diseased dog. I have not the slightest objection to this. There is a specific provision to that effect in the Police Act. The Commissioner of Police has been authorised to destroy such a dog, but if the dog be not a diseased one and if it be not a stray one, but simply if the owner of the dog has neglected to pay the tax, would the Corporation be justified in causing the destruction of such an useful animal? The Marwari Association took strong exception to this. They are strongly of opinion that it would be an inhuman act on the part of the Corporation and therefore they are opposed to it.

Mr. D. J. COHEN: What about the Bengal National Chamber of Commerce? (Laughter.)

Babu AMULYA DHONE ADDY: I am very glad that the Bengal National Chamber of Commerce of which the Hon'ble Raja Reshee Case Law is the President and which consists of men of business of Calcutta, are strongly opposed to it.

Rai Dr. HARIDHAN DUTT Bahadur: What about the British Indian Association? (Laughter.)

Babu AMULYA DHONE ADDY: I am really sorry that the very name of that Association has been laughed at, but that association consists of the leading landholders of Calcutta. Now these three public bodies have strongly objected to it. I strongly object on the ground that it would be an inhuman act on the part of the Corporation to destroy such a dog.

Mr. S. W. COODE: I strongly sympathize with the dog. It is placed in an awkward position in being made liable to be shot for its master's parsimony, but I am afraid that the alternative is not acceptable. If you throw a lot of dogs on the market at once, they will command no price. Unless Babu Amulya Dhone Addy can guarantee that these dogs will find purchasers, I am afraid there is no other remedy except to adhere to the Bill.

The motion was then put and lost.

CLAUSE 181.

Babu AMULYA DHONE ADDY: I move that in clause 181, lines 2 and 4, the words " owner or " be omitted.

Under this clause the Corporation may require the owner or occupier of a building or a place of business to forward a list of names of persons exercising or carrying on a profession, trade or a calling, etc. Sir,

we are all aware, buildings are leased out to tenants and the tenants so lease them out to sub-tenants. Therefore, it is difficult for the owner of such a building to ascertain the names of persons who carry on business there. He may be an absentee landlord and in that house there may be 30 to 40 persons carrying on business. The only person whom the owner is expected to know is the tenant and not his sub-tenants. So it would be hardship if the owner is called upon to give this information and in default is dragged before the Criminal Court. Moreover, there is no such provision in the existing Act.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali in support of the motion.

Mr. S. W. COODE: On behalf of Government I beg to accept the amendment.

The motion was then put and agreed to.

CLAUSE 182.

Babu AMULYA DHONE ADDY: I move that clause 182(*b*) be omitted.

Under the existing Act the owner of a market can be enforced to pay a scavenging tax in accordance with the number of animals kept in the market. In the case of an ordinary market he cannot be called upon to pay the scavenging tax in addition to the owner's share as well as the occupier's share of the municipal rates. Now, Sir, why does he pay a consolidated rate? He pays it certainly for the services rendered to him by the municipality and, therefore, when he already pays that rate it will be a source of great hardship to him if he is called upon to pay the scavenging tax in addition to the consolidated rate. The higher the tax on the owner of a market, the higher would be the prices of the necessaries of life. I therefore suggest the omission of the clause altogether. There is no such provision in the existing Act.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali in support of the motion.

Mr. S. W. COODE: At present the scavenging tax is only charged where animals are kept in a market for sale, but it is obviously reasonable that it should also be charged in the case of other markets. A great deal of refuse collects there, and it is a recognized principle, so far as I know, all over the world, that special fees should be paid for the removal of trade refuse. We think, Sir, for these reasons we should have this clause in the Bill.

The motion was then put and lost.

Mr. PRESIDENT: Amendment No. 342 cannot be moved because the Government of India has not yet sanctioned it. I therefore call upon Babu Amulya Dhone Addy to move amendments Nos. 340 and 341.

CLAUSES 184 AND 185.

Babu AMULYA DHONE ADDY: I move that clauses 184 and 185 be omitted.

We ought not to levy tax on petroleum because the existing law on the subject is nothing but a dead letter in the existing Act which provides for it. The Corporation of Calcutta has not been allowed to levy this tax in Calcutta. The Government of India is strongly opposed to it. However, assuming that the Corporation gets the previous sanction from the Government of India still I submit that this tax should not be allowed to be levied because it will be a tax on the poor. Sir, there was a time when kerosene oil was a luxury, but nowadays it has become necessary to the poor who use it for lighting purposes. So I appeal to the Hon'ble the Minister on behalf of the poor that this chapter be omitted altogether.

Rai Dr. HARIDHAN DUTT Bahadur: This is a tax evidently meant against petroleum intended for consumption elsewhere. This is practically a power given to the Corporation to impose a tax on petroleum which would be passing through Calcutta and taking all the advantages of the city and its protection for the time being, but will be consumed by somebody else in whom we are not interested. I do not know why my friend should be so anxious to protect the interests of unknown people. Sir, I oppose this amendment.

Mr. S. W. GOODE: This section is similar to a section in the Act of 1889, and provides that a transit duty on petroleum passing through Calcutta should be levied on it. As a matter of fact it has never been put into force, and, it is quite possible that it will never be. But there is no harm in retaining it in the Act.

The motion was put and lost.

CLAUSE 186.

Babu AMULYA DHONE ADDY: I move that in clause 186, sub-clause (*1*), line 2, after the word "Howrah," the following words be inserted, namely:—

"or the municipalities adjoining Calcutta."

It will appear from this clause that every cart kept or used in Calcutta or the Municipality of Howrah shall be registered in the municipality—and what about carts which are kept in the adjoining

municipalities of Calcutta—what about those in the Tollygunge municipality and the South Suburban municipality? Sir, what is the object of registration of carts? It is simply to avoid theft. Presumably this is the reason why carts are registered. If a cart is kept or used in the Tollygunge or the South Suburban municipality, then how can you protect the goods of traders therein during transit if their carts are not registered? That is the reason why I want that the adjoining municipalities should be included.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali in support of the motion.

Mr. S. W. GOODE: Carts which come to Calcutta from the adjoining municipalities and use Calcutta roads are fairly taxable, but under the present Act certain municipalities with which the Corporation has special arrangements are exempted. The municipalities of Howrah and certain other places divide, in fixed proportion with Calcutta, the proceeds derived from this tax. They are to be exempted from payment of this tax by a notification under section 188. In the case of municipalities, which do not come within the agreement, it is quite reasonable that their carts should be taxed when they come to Calcutta.

The motion was then put and lost.

Mr. D. J. COHEN: I move the following:

(1) "That in clause 186(*1*), line 26, after the words 'residence of the owner' the words 'and the place where the cart is ordinarily kept' be inserted."

(2) "That at the end of clause 186(*5*), the following be added, namely,—

> 'and may at any time cancel the registration of any cart if the Executive Officer is satisfied that there is no fixed place where the cart is ordinarily kept.'"

I am constrained to ask for the inclusion of these words because the number of cart-lifting cases are daily on the increase and I think possibly with this information the police might track out some of these carts. At the present time I know they are finding it very very difficult to trace them.

As regards the second amendment I would suggest that if the Executive Officer finds that a particular cart-owner has no fixed place to keep his cart, he ought to have the power to cancel the registration.

Mr. S. W. GOODE: The first amendment is that the owner should state the place where the cart is ordinarily kept, and Government is prepared to accept it.

As regards the second amendment, we think it to be unnecessary as the Corporation has ample power under section 468 to lay down by-laws regarding the condition under which a person should be permitted to own and drive a cart in Calcutta, and I believe section 468 will meet the wishes of Mr. Cohen in this respect.

That motion that in clause 186(*1*), line 26, after the words " residence of the owner " the words " and the place where the cart is ordinarily kept " be inserted was put and agreed to.

The motion that at the end of clause 186(*5*) the following be added, namely,—

" and may at any time cancel the registration of any cart if the Executive Officer is satisfied that there is no fixed place where the cart is ordinarily kept "

was, by leave of the Council, withdrawn.

CLAUSES 187 AND 189A.

The following amendments standing in the names of Mr. Abdur Raheem and Mr. Cohen, respectively, were by leave of the Council, withdrawn:—

" That in clause 187(*1*)(*a*), line 2, for the figure ' 20 ' the figure ' 40 ' be substituted."

" That in clause 189A(*2*)(*c*), line 1, for the words ' the description of cart ' the following be substituted:—

' the number assigned to the cart at the time of registration.' "

Raja RESHEE CASE LAW: I move that at the end of clause 189A the following be added, namely:—

"(*4*) The Corporation shall, upon the application of any driver of a cart whose ticket has been lost or obliterated, supply such driver with a new ticket upon the payment of a fee of not more than two annas."

The wording of the amendment clearly shows its object. Surely there should be some provision for issue of a new ticket and that at a nominal price.

Mr. S. W. GOODE: Government is prepared to accept the amendment in a slightly modified form. The Raja Sahib proposes that in the case of a ticket on a cart being lost or obliterated, a new ticket shall be supplied to him. I think, however, we should safeguard against the tickets being passed on from one carter to another. Although the numbers will be different the identification of carters will not be an easy matter.

This is the amendment which I propose:—

"(*f*) The Corporation shall upon the application of any driver of a cart whose ticket has become indistinct or obliterated, supply such driver with a new ticket upon the payment of a fee not more than two annas, or when they are satisfied that a ticket has been lost, may supply a new ticket on payment of a like fee."

Raja RESHEE CASE LAW: I accept the modification.

The motion, as amended, was then put and agreed to.

CLAUSE 193.

Dr. PRAMATHANATH BANERJEA: I move that in clause 193(*f*), line 2, for the word "seven" the word "fifteen" be substituted.

Under clause 193, if a ratepayer fails to pay his rates within seven days from the service of a notice of demand, such sum with all costs may be recovered under a warrant. What I would urge is an extension of the time-limit. It is the poor people who generally fail to pay their rates within the prescribed time, and if some more time is allowed to the poor ratepayers before a warrant is issued, the concession will be greatly appreciated by them. A warrant involves expense to the ratepayers and this procedure should be avoided, as far as possible.

The Hon'ble Sir SURENDRA NATH BANERJEA: I oppose this amendment. This has been the practice all along. It has never been the subject-matter of any complaint; so there is no reason why the time-limit should be extended.

The motion was then put and lost.

CLAUSE 196.

Dr. PRAMATHANATH BANERJEA: I move that in clause 196, line 3, after the word "make" the words "in the presence of two witnesses" be inserted.

The Hon'ble Sir SURENDRA NATH BANERJEA: To save time, Sir, I may say that Government is prepared to accept the amendment.

The motion was then put and agreed to.

CLAUSE 202.

Dr. PRAMATHANATH BANERJEA: I move that in clause 202, proviso, line 2, for the word "year" the word "quarter" be substituted.

Section 202 makes the purchaser of any land or building liable for the payment of rates due to the Corporation for a period of one year prior to the date of the purchase. If a person purchases a property in ignorance of the fact that the previous owner was in default, I do not see why he should be penalized. It very rarely happens that the rates remain unpaid for as long as one year, and I do not see why a purchaser should be punished for his ignorance. I suggest that the period for which rates should be demanded from the new purchaser should not be more than a quarter.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I desire to oppose the amendment. That has been the law all along; there has been no inconvenience. Any person who purchases a property ought to look about a little and find out if there are any rates outstanding in regard to it or not.

The motion was then put and lost.

CLAUSES 213, 217 AND 219.

The following motions were, by leave of the Council, withdrawn:—

"That clause 213 be omitted."

"That in clause 217 (*1*) (*a*), line 1, before the word 'filtered' the words 'wholesome' be inserted."

"That in clause 219, lines 2 and 3, for the words 'and, if the Corporation so direct, also in the filtered water system' be omitted."

CLAUSE 220.

In the absence of Babu Jatindra Nath Basu, Mr. Cohen moved that in clause 220, line 3, for the word "forty," and wherever else it occurs in this clause, the word "forty-five" be substituted.

So far as filtered water supply is concerned, 40-feet pressure means water going up to the height of a three-storied house but where unfiltered water is concerned, it has to be stored in tanks placed on the terrace; and so 40-feet pressure in these cases, means no better than a 31-feet pressure because whether a house is 32 feet high or 40 feet high it means that water would only go up to the second story. At present with a low water pressure water must needs be pumped up to the height of a third story by means of a pump. To ensure water reaching to a three-storied house as is the case with filtered water, I move my amendment that there be an obligation on the Corporation to provide a pressure of 45-feet instead of 40-feet, in their unfiltered water supply.

The following motion was, by leave of the Council, withdrawn:—

"That in clause 220, second paragraph, penultimate line, the words 'street-watering, drain-flushing or' be omitted."

Babu AMULYA DHONE ADDY: I move that the proviso to clause 220 be omitted.

Under this clause the pressure of filtered water shall be continuous and not less than 40 feet and under the proviso the Corporation by a resolution of two-thirds of Councillors may authorize a lower pressure in any case, where, owing to causes over which the Corporation have no control, or by reason of other circumstances, it is impracticable to secure the pressure of 40 feet. Sir, I admit that there are certain safeguards in it. I beg to submit that under the existing Act the minimum pressure of filtered water is 40 feet. Sir, supply of filtered water is to be continuous. But I beg to draw the attention of the House to the real state of things. In the Southern part of Calcutta, specially in the area lying to the west of Tolly's Nullah, the supply of filtered water is not continuous, and we do not actually get a single drop of water during mid-day, when it is urgently required, and even in the morning when the pressure is at its height, the maximum pressure is only 15 feet. While in the area south of the Boat Canal there is no pressure at all. Therefore, I submit that it should be made incumbent on the Corporation to keep up the minimum pressure of 40 feet. They realize taxes from all persons irrespective of pressure of filtered water. Therefore, is it equitable that the Corporation should realize the full rate but should not provide for adequate supply of it to all? In certain localities there is even no supply of filtered water.

Mr. PRESIDENT: I do not quite follow the hon'ble member's argument. Is there any relevancy of the member's reference to the area on the other side of the Boat Canal to the present motion?

Babu AMULYA DHONE ADDY: Yes, Sir. The area to the south of the Boat Canal is a part and parcel of Calcutta. Sir, there is no such complaint in regard to the northern part of the town. The minimum pressure should be 40 feet and still the Corporation has failed to discharge its duty, and by the inclusion of these words it will be inclined to do so all the more. I have represented the non-official view of the question. Now I draw your attention to the official opinion, viz., the opinion of the Secretary of the Public Works Department of the Government itself. It says:—

The minimum pressure equivalent to 40 feet, which is the same as that laid down in the existing Act, which was framed 20 years ago, when there were few buildings more than two stories in height, is insufficient to meet present conditions. Further, the proviso in the last paragraph of the clause renders this "minimum" meaningless. At the present time the pressure in many of the filtered water-mains is not more than 20 feet; and in some as low as ten feet and less. The result of the qualifying clause would be that the pressure of 40 feet instead of being treated as a "minimum" would come to be regarded as a "maximum."

Therefore, having regard to the non-official opinion and also having regard to official opinion—the opinion of experts—I beg to submit that this proviso should be omitted altogether. The Corporation should be enforced to keep up a continuous supply of filtered water with a minimum pressure of 40 feet in every part of Calcutta, otherwise the rate of mortality from cholera will go up further and further.

Mr. D. J. COHEN: I oppose the amendment. I am surprised to see that a municipal commissioner with the experience of Babu Amulya Dhone Addy bringing forward an amendment of this kind. We know very well that the present water-supply scheme upon which the Corporation has embarked provides for a pressure of water of only 40 feet within the present town area. Now we are going to add large areas, *e.g.*, Maniktala, Cossipur-Chitpur, Garden Reach, and a portion of Tollygunge, and thus it may not be possible for the Corporation to maintain a uniform pressure of 40 feet everywhere. Besides the Corporation have fixed two safeguards which are very useful and ought to satisfy every reasonable person. For this reason I think this proviso is absolutely necessary.

The Hon'ble Sir SURENDRA NATH BANERJEA: I must say that I am very much in sympathy with the amendment of Mr. Cohen. Mr. Cohen recommends that we should adopt a pressure of 45 feet. Under the existing law the pressure is 40 feet. Mr. Cohen knows as well as I do that it is difficult to keep the pressure up to 40 feet, and then with the added areas and the extension of the boundaries of Calcutta it would be very difficult to keep it even up to 40 feet. Will it not impose an almost impossible responsibility upon the Corporation? Mr. Cohen himself is a member of the Corporation and he knows it very well. I cannot, therefore, accept his amendment.

As regards the amendment of my friend, Babu Amulya Dhone Addy, the existing law gives the Corporation power to reduce the pressure. The General Committee has that power and now we are only tightening up that power by making it obligatory upon it to see that the reduction of the pressure has been approved of by a two-thirds majority of the commissioners present, and under the special circumstances set forth in the section.

For these reasons I am unable to accept the amendments which have been moved.

The motions were then put and lost.

CLAUSE 223.

The following amendment was, by leave of the House, withdrawn:—

"That in clause 223(2)(*ii*), lines 3 and 4, the words 'which are not kept for profit or hire' be omitted."

CLAUSE 224.

Babu AMULYA DHONE ADDY: I move that clause 224 be omitted.

Under this clause, where filtered water is supplied for any purpose other than domestic, the Corporation may at any time cut off this supply. I beg to submit that this clause should be omitted altogether. This omission is also recommended by the Corporation itself.

Mr. S. W. COODE: May I ask if Mr. Addy would accept the next amendment which stands in the name of Mr. Cohen which Government is prepared to accept?

Babu AMULYA DHONE ADDY: I accept Mr. Cohen's amendment and withdraw mine.

The motion standing in the name of Babu Amulya Dhone Addy was then, by leave of the Council, withdrawn.

The following amendment was then put and agreed to:—

Mr. D. J. COHEN: "That for clause 224, the following be substituted, namely:—

'A supply of filtered water for purposes other than domestic purposes shall be made upon such terms and conditions as to payment and quantity and for such period as the Corporation may think fit.'"

CLAUSE 225.

Raja RESHEE CASE LAW: I move that in clause 225, lines 3 and 4, for the words "fifteen hundred" the words "four thousand" be substituted.

I would strongly urge not to lessen the quantity of filtered water supplied per rupee to premises. It would mean only that people will be compelled to use the unfiltered water for domestic purposes which is certainly very objectionable. I feel, however, the difficulty in which the municipality is at present placed; but that should not be any reason for limiting the quantity in the Act. It would really tend to make the municipality more lukewarm in the matter of improvement which are so urgently needed in this direction.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali in support of the motion.

Dr. PRAMATHANATH BANERJEA: I move the following:—

(1) "That in clause 225 lines 3 and 4, for the words 'fifteen hundred' the words 'three thousand' be substituted."

(2) "That in clause 225, proviso (*a*), for the word 'twenty-five' in line 4 the word 'fifty' be substituted, and for the word 'fifty' in line 4 the words 'one hundred' be substituted."

The object of my first amendment is to increase the minimum and maximum quantity of filtered water to be supplied by the Calcutta Corporation.

The object of my second amendment is also the same. The habits of Hindus and Muhammadans are such that more water is needed in their case than in the case of Europeans. I would, therefore, urge that the minimum water-supply to the people of Calcutta be raised. It might be said that if the minimum is raised, then there is likely to be much waste, and it is quite possible. But the other side of the case is so very important that I would strongly urge the fixing of the minimum at fifteen hundred and the maximum at three thousand.

Babu AMULYA DHONE ADDY: I move the following:—

(1) "That in clause 225, lines 3 and 4, for the words 'fifteen hundred' the words 'two thousand' be substituted."

(2) "That in clause 225, proviso (*a*), line, 4 for the words 'twenty-five, or more than fifty' the word 'twenty' be substituted."

Under the existing Act a person is entitled to 4,000 gallons of water per every rupee of the water-rate paid, but here it is stated that a person will get only 1,500 gallons for every rupee of the consolidated rate paid. This clause corresponds to the law under the existing Act. But I beg to submit that the quantity of water which a person is entitled to get should be increased. So I would suggest that it should be increased from 1,500 to 2,000 gallons per rupee. I submit that Calcutta's is a hot climate and the Hindus consume more water than Christians for they have to observe religious ceremonies month by month. These people are obliged to consume more water and also to pay tax in addition to the water-rate. The Corporation has already sanctioned a scheme for improving the water-supply and I do not, therefore, see any reason why the extra quantity should not be allowed.

As regards amendment No. 374 I suggest to substitute for the words "twenty-five or more than fifty" the words "twenty gallons." Sir, under the existing Act there is no restriction—neither a minimum nor a maximum. Sir, a person is entitled to get sufficient quantity of water in accordance with the valuation of his property. But, Sir, the Corporation has resolved that the minimum supply may be 20 gallons per head irrespective of the valuation of the property. What is the result? The people of the northern division of Calcutta have been getting sufficient filtered water at the cost of the people of the southern division——

Mr. PRESIDENT: I would remind the hon'ble member that it is no use repeating his statements. It can be done in a couple of words.

Babu AMULYA DHONE ADDY: Sir, if we accept the suggestions contained in the Bill on this subject the result would be that the pressure of filtered water in the southern division will be materially less than what it is even now. It may be said that the supply of filtered water is going to be increased very soon, but, Sir, it will take not less than seven years. Within these seven years the people will not get any increased supply of water. At present there is no such maximum as regards the supply. It is only based on the valuation of the property. Then why do you put down a maximum limit of water-supply? Now there is no maximum—no limit—regarding amount of rates and taxes, voting strength——

Mr. PRESIDENT: We must adhere to the point of the matter under discussion. Voting strength has nothing to do with the question here. Please try to be concise and to the point.

Babu AMULYA DHONE ADDY: If we increase the supply of water from 20 to 25 gallons per head it will be an injustice to the people of the southern part of Calcutta. If we put a restriction and fix a maximum at 50 gallons it will be doing injustice to those persons who have been paying heavy taxes.

Mr. S. W. GOODE: It is always a pleasure to be able to agree with Mr. Addy and we seldom have that pleasure. He says that Cheltla would suffer if the free allowance per head is raised and I entirely agree.

All the amendments under this clause ignore the fact that the present Act gives 4,000 gallons of water to a person per rupee of water-rate. Now the water-rate is levied at 5 or 6 per cent. and the consolidated rate at 19½ per cent; so 1,500 gallons for every rupee of the *consolidated rate* is worth rather more than 4,000 gallons for every rupee of the *water-rate*. Actually, therefore, a householder will get a more liberal allowance of water under the present Bill, even when the allowance is determined by the first part of this clause. But in practice it will be the *per capita* ration which will ordinarily govern the free allowance.

The motions were then put and lost.

The following amendment standing in the name of Rai Mahendra Chandra Mitra Bahadur was, in the absence of the member, deemed to be withdrawn:—

"That in clause 225, proviso (*a*), line 4, for the word 'fifty' the word 'eighty' be substituted."

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, the 26th February, 1923, at the Town Hall, Calcutta.

INDEX

TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report.)

VOL. XI. No. 2 ELEVENTH SESSION.

February 12th, to 23rd, 1923.

Addy, Babu Amulya Dhone

Calcutta Municipal Bill, 50, 77, 81, 88, 92, 94, 97, 108, 109, 110, 115, 133, 136, 148, 152, 153, 156, 167, 202, 203, 219, 220, 221, 303, 321, 322, 327, 329, 368, 370, 374, 379, 381, 382, 384, 386, 387, 406, 408, 430, 439, 440, 441, 443, 448, 451, 452, 454, 456, 461, 474, 479, 481, 482, 498, 500, 501, 523, 525, 526, 527, 570, 572, 573, 574, 576, 577, 578

Outbreak of fire at the All India Exhibition at Bhowanipur, 4

Adjournment, 69, 122, 170, 223, 278, 341, 402, 462, 527

Admission of Rajshahi Division students into Medical institutions in Benzal, 179

Agriculturists

Facilities and privileges to *bona fide* agricultural education and services, 6

Ahmed, Maulvi Azaharuddin

Cases of dacoity and murder committed within Mr. Casperszs zamindari in Bakarganj, 70

Ahmed, Maulvi Rafi Uddin

Calcutta Municipal Bill, 70, 300, 301, 427

Ahmed, Maulvi Yakuinuddin

Calcutta Municipal Bill, 52, 53, 350.

Ahmed, Khan Bahadur Maulvi Wasimuddin

Calcutta Municipal Bill, 139, 171, 254, 256, 304, 353, 362, 391

Alay, Mr. S. Mahboob

Calcutta Municipal Bill, 19, 135, 186, 312

Ali, Mr. Syed Nasim Ali

Calcutta Municipal Bill, 16, 17, 18, 36, 46, 117, 118, 260, 268, 329

All-India Exhibition

Outbreak of fire at the—at Bhowanipur, 4

Allowances

Pay and travelling of inspecting officers of schools of Rajshahi and Chittagong Divisions, 73

Appointment of a member of the Legislative Council as non-official visitor of District Jail, Bakarganj, 464.

Bajitpore

Excavation of a tank in Municipality, 279

Bakarganj

Cases of dacoity and murder committed within Mr. Casperszs zamindari in, 70,

Banerjea, the Hon'ble Sir Surendra Nath

Admission of Rajshahi Division students into medical institutions in Bengal, 179.

Bone mills at Beliaghata, 179.

Calcutta Municipal Bill, 13, 58, 62, 63, 78, 79, 81, 89, 90, 91, 93, 94, 95, 96, 99, 100, 101, 104, 118, 126, 127, 130, 138, 144, 145, 151, 154, 157, 158, 160, 161, 162, 165, 166, 169, 194, 196, 213, 218, 219, 220, 221, 222, 223, 236, 270, 273, 301, 305, 318, 320, 338, 342, 343, 364, 365, 366, 367, 372, 373, 375, 376, 381, 384, 400, 405, 406, 408, 411, 112, 413, 116, 422, 425, 426, 439, 459, 460, 462, 476, 478, 479, 484, 500, 511, 521, 522, 524, 525

Cinema films prepared by the Local Self-Government Department, 174

Condition of roads in Bankura due to floods, 183

Delay in the supply of quinine from Alipore Juvenile Jail to post offices for sale, 171.

Free medical aid to Government servants, 467.

Honorary physicians and surgeons in Medical College Hospital and Campbell Hospital, 3

Inadequacy of Pabna District Board funds for maintenance of their roads, 282

Insanitary condition of Chittagong and Cox's Bazar Town, 164

Introduction of system of payments for medicines and beds in certain hospitals in Calcutta, 173

Investigation into adequacy of sub-ways under railways in Bengal, 12

King Edward Memorial Hospital in Midnapore and Shama Charan Laha Eye Infirmary, 181.

Malaria Observatory at Sonarpur, 172

Military Assistant Surgeons in civil employ, 9

Outbreak of fire at the All-India Exhibition at Bhowanipur, 4

Pabna Charitable Hospital, 178.

Pabna morgue, 177.

Pabna Waterworks boring experiment, 73

Sanitary drainage of Pabna Town, 466

Scarcity of drinking water in Bogra, 465.

Banerjea, the Hon'ble Sir Surendra Nath

Slaughter and mortality of cattle in Pabna, 72.

Supply of quinine and cinchona to malaria patients in Pabna, 178.

Tetulia-Sripur Khal, 468.

Thanas in Pabna without charitable dispensaries, 176.

Union Boards in Dacca, 469.

Vital statistics of Pabna, 175

Baral river, 13

Barisal Jail

Members of Local Legislative Council for Bakarganj as members of, 2.

Barton, Mr. H.

Clubs in Calcutta conducting lotteries, 4.

Basu, Babu Jatindra Nath

Calcutta Municipal Bill, 5, 56, 76, 79, 91, 105, 112, 141, 147, 150, 151, 154, 162, 166, 329, 322, 335, 359, 360, 361, 362, 365, 367, 370, 380, 391, 407, 408, 409, 410, 411, 434, 435, 438, 441, 446, 449, 450, 452, 455, 456, 460, 470, 472, 473, 475, 476, 489, 492, 494, 502, 503, 509

Bengal Budget, 226

Bentley, Dr. C. A.

Calcutta Municipal Bill, 1921, 98

Bhowanipur—

Outbreak of fire at the All-India Exhibition at 4

Bidyadhari River, 11

Bill

Calcutta Municipal, 13, 76, 123, 284, 343, 403, 470

Bone mills at Beliaghata, 179

Bose, Mr. S M.—

Calcutta Municipal Bill, 1921, 102

Excavation of a tank within Bajitpur Municipality, 279, 280

Budget

Anticipated deficits in the for 1923-24, 180.

Calcutta

Clubs in—conducting lotteries, 4,

Calcutta University

Decision by the Senate on Government grant of Rs 2,50,000 to, 9
Government grant to, 465.

Cattle

Slaughter and mortality of in Pabna, 71

Chaudhuri, Babu Kishori Mohan

Calcutta Municipal Bill, 1921, 60, 61, 206, 207, 275

Chaudhuri, Khan Bahadur Maulvi Habzar Rahaman

Free medical aid to Government servants, 167

Chaudhuri, Maulvi Shah Muhammad

Calcutta Municipal Bill, 302

Chaudhuri, Rai Harendranath

University College of Science, 225
Indian and European schools, 281

Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur

Facilities and privileges to *bona fide* agriculturists for agricultural education and services, 6
*Faridpur Bhanga Madaripur Railway project, 2
Pay and prospects of officers serving in technical and industrial schools, 180
Railway line from Khulna to Barisal, 2
Waiting room at Naogaon, 6

Choudhury, Khan Bahadur Maulvi Rahamatjan

Calcutta Municipal Bill, 265
Faridpur Bhanga Madaripur Railway project, 1, 2
Railway line from Khulna to Barisal, 2

Cinema films prepared by the Local Self-Government Department, 174

Civil Court Summonses

Service of, 282

Civil employ

Military Assistant Surgeons in, 9

Clubs in Calcutta conducting lotteries, 4

Cohen, Mr. D. J.

Calcutta Municipal Bill, 82, 91, 92, 93, 94, 95, 103, 105, 114, 115, 157, 351, 367, 374, 380, 387, 388, 406, 411, 427, 439, 451, 455, 476, 492, 497, 495, 499, 502, 508, 516, 519, 521, 525

Currie, Mr. W. C.

Calcutta Municipal Bill, 49

Dacca Intermediate Board, 71

Dacca University

Finances of, 75

Das, Babu Bhishmadev

Facilities and privileges to *bona fide* agriculturists for agricultural education and services, 6
Tetulia Sripur Khal, 167

Das Gupta, Rai Bahadur Nibaran Chandra

Appointment of a member of the Legislative Council as non-official visitor of District Jail, Bakarganj, 161
Calcutta Municipal Bill, 299, 303, 421.
Members of Local Legislative Council for Bakarganj as members of Barisal Jail, 2, 3

De, Rai Bahadur Fanindra Lal

Calcutta Municipal Bill, 1921, 18, 99, 102, 104, 111, 117, 119, 153, 170, 475, 476, 502

Defalcations by Head Cashier of Calcutta Police Courts, 7

Deputy-President

Calcutta Municipal Bill, 1921, 21, 53, 68, 102, 128, 130, 152, 157, 198, 278, 302, 373, 377, 425, 426, 432, 433, 442, 478, 482, 506, 510

District Board Funds

Inadequacy of Pabna for maintenance of their roads, 282

Division Lists

Calcutta Municipal Bill, 1921, 65, 66, 67, 87, 90, 96, 113, 143, 167, 210, 216, 217, 273, 401, 484, 474, 491.

Donald, the Hon'ble Mr. J.

Anticipated deficit in the Budget for 1923-24, 180.

Bengal Budget, 226.

Doss, Rai Bahadur Pyari Lal

Union Boards in Dacca, 468.

Dredging of silted-up rivers in malarious districts, 283.

Drinking water

Scarcity of—in Bogra, 465.

Dutt, Mr. Ajoy Chunder

Calcutta Municipal Bill, 240.

Decision by the Senate on Government grant of Rs. 2,50,000 to Calcutta University, 9.

Defalcations by Head Cashier of Calcutta Police Courts, 7.

Proposal for enhancing examination and registration fees payable to the Calcutta University, 224.

Dutt, Rai Bahadur Dr. Haridhan

Calcutta Municipal Bill, 1921, 11, 16, 47, 77, 83, 88, 93, 100, 131, 145, 154 187, 188, 189, 218, 220, 261, 263, 265, 324, 325, 327, 354, 355, 362, 368, 377, 403, 431, 432, 436, 438, 443, 444, 450 473, 477, 483, 489, 494, 495, 507, 513, 514, 516, 518.

Cinema films prepared by the Local Government Department, 171

Dacca Intermediate Board, 71

Introduction of system of payments for medicines and beds in certain hospitals in Calcutta, 172.

Malaria observatory at Sonarpur, 172

Military Assistant Surgeons, in civil employ, 9.

Dutta, Babu Annada Charan

Calcutta Municipal Bill, 1921, 61, 207, 209.

Insanitary condition of Chittagong and Cox's Bazar Town, 464.

Dutta, Babu Indu Bhusan

Calcutta Municipal Bill, 413, 417, 419, 421.

Expenses for divisional inspectors of education and their staff, 224

Faridpur-Bhanga-Madaripur Railway project, 1, 2

Fees

Proposal for enhancing examination—and registration—payable to the Calcutta University, 224.

Female education

Grants for, 5.

Forrester, Mr. J. Campbell

Calcutta Municipal Bill, 1921, 95, 158, 166, 206, 351, 390.

Ghose, Mr. D. C.

Calcutta Municipal Bill, 1921, 32, 42, 44, 78, 83, 89, 92, 98, 103, 109, 133, 147, 159, 161, 164, 165, 166, 189, 191, 193, 238, 251, 336, 338, 362, 387, 392, 393, 394, 426

Ghose, Rai Bahadur Jogendra Chunder

Calcutta Municipal Bill, 1921, 59, 86, 90, 139, 187, 207, 248, 353, 376, 398, 399, 400, 406, 424 425, 485, 489, 501.

Goode, Mr. S. W.

Calcutta Municipal Bill 1921, 16, 69, 84, 85, 89, 92 95, 97, 98, 103, 108, 109, 111, 112, 114, 115, 136, 142 144, 150, 153, 154, 156 166, 169, 222, 233 277, 284, 287, 309, 310, 312, 360, 363 365, 366, 367, 368, 369, 370, 371, 372, 373, 376, 377, 378, 379 380, 381, 403 407, 410, 412, 429, 432, 433, 434, 437 438, 451, 455, 457, 459, 460, 472, 475, 476, 477, 479, 490, 498, 505, 506, 509, 510, 511, 512, 515, 516, 517, 518, 519, 520, 525 527

Excavation of a tank in Baruipur Municipality, 279.

Haq, Maulvi A. K. Fazl-ul

Calcutta Municipal Bill, 287, 291, 307.

Haq, Shah Syed Emdadul

Admission of Rajshahi Division students into medical institutions in Bengal, 179.

Alleged illegal charges at the sub-registry offices in Pabna and Tippera, 75

Barak river, 13

Bidyadhari river, 11.

Calcutta Municipal Bill, 1921, 21, 79, 91, 169, 364, 451, 479, 499, 512, 519, 525

Haq, Shah Syed Emdadul

Case in the Subdivisional Officer's Court at Sirajganj, 282.

Government grant to Calcutta University, 465.

Inadequacy of Pabna District Board Fund for maintenance of their roads, 282.

Pabna Charitable Hospital, 178.

Pabna morgue, 176.

Pabna Waterworks boring experiments, 72.

Pay and travelling allowances of inspecting officers of schools of Rajshahi and Chittagong Divisions, 73

Sanitary drainage of Pabna Town 169

Scarcity of drinking water in Bogra, 465

Slaughter and mortality of cattle in Pabna, 71.

Supply of quinine and cinchona to malaria patients in Pabna 177

Suspension of a mukhtear of Pabna 70

Thanas in Pabna without charitable dispensaries, 176

Vital statistics of Pabna 174

Honorary physicians and surgeons in Medical College Hospital and Campbell Hospital, 3

Hospitals

Introduction of system of payments for medicines and beds in certain in Calcutta, 172

Huq, Maulvi Ekramul

Calcutta Municipal Bill 342, 374, 422

Insanitary condition of Chittagong and Cox's Bazar Town, 164

Inspectors of Education

Expenses for divisional and their staff 224.

James, Mr. R. H. L. Langford

Calcutta Municipal Bill, 1921, 123, 125, 273.

Jhaitan, Babu Debi Prasad

Calcutta Municipal Bill, 1921 132, 138, 148, 153, 160, 163, 168, 169, 170, 219, 221, 248, 298, 308, 309, 310, 333, 335, 369, 371, 394, 506.

Khan, Maulvi Hamid-ud-din

Calcutta Municipal Bill, 11, 88, 375.

King Edward Memorial Hospital in Midnapore and Shama Charan Laha Eye Infirmary, 181

Law, Raja Rishee Case

Calcutta Municipal Bill, 1921, 16, 17, 37, 80, 87, 90, 95, 97, 99, 101, 106, 109 113, 155, 156, 188, 212, 213, 217, 328, 363, 365, 366, 371, 372, 378 379 380, 381, 388, 389, 391, 393, 396 397, 406, 409, 431, 433, 434 460, 471, 472, 476, 477, 478, 482 500, 512, 514, 515, 520, 521, 525

Maharajadhiraja Bahadur of Burdwan, the Hon'ble the

Baral river, 13.

Bidyadhari river, 12

Calcutta Municipal Bill, 1921, 96, 191, 208

Dredging of silted-up rivers in malarious districts, 283.

Malaria Observatory at Senarpur, 172

Malaria patients

Supply of quinine and cinchona to in Pabna, 177

Mallik, Babu Surendra Nath

Calcutta Municipal Bill, 1921, 29, 30, 31, 32, 36, 37, 41, 53, 78, 85, 86, 89, 93, 101, 104, 107, 108, 111, 114, 129 130, 140, 151, 152, 153, 156, 158, 159, 161, 164, 165, 166, 168, 205, 210 213 218, 220, 222 223, 294, 307 336, 338 357, 361, 370, 374, 376, 377, 379, 395 396, 397, 405 408, 410, 411, 412, 420, 421, 141 449, 450, 452, 453, 454, 455, 456, 459, 460, 462, 471, 473, 474, 476, 478, 486, 489, 498, 499, 501, 508

Expenses for divisional inspectors of education and their staff, 224

Range Deputy Inspectors-General of Police, 280.

Marr, Mr. A.

Members of Local Legislative Council for Bakarganj as members of Barisal Jail, 3

Medical aid

Free—to Government servants, 467.

Midnapore

King Edward Memorial Hospital in, 181.

Mitra, Rai Bahadur Mahendra Chandra

Calcutta Municipal Bill, 492.

Investigation into adequacy of subways under railways in Bengal, 12.

Service of Civil Court summonses, 282.

Mitter, the Hon'ble Mr. P. C.

Alleged illegal charges at the sub-registry offices in Pabna and Tippera, 75.

Dacca Intermediate Board, 71.

Decision by the Senate on Government grant of Rs. 2,50,000 to Calcutta University, 9

Expenses for divisional inspectors of education and their staff, 225

Finances of Dacca University, 75

Government grant to Calcutta University, 466.

Grants for female education, 5.

Indian and European schools, 281.

Pay and travelling allowances of inspecting officers of schools of Rajshahi and Chittagong Divisions, 73.

Primary schools under Mr. Biss's scheme, 12.

Proposal for enhancing examination and registration fees payable to the Calcutta University, 224

Secondary schools with commercial classes, 163

University College of Science, 226.

Moitra, Dr. Jatindra Nath

Calcutta Municipal Bill, 1921, 273, 331.

Dredging of silted-up rivers in malarious districts, 283.

Morgue, Pabna, 176

Mukharji, Babu Satish Chandra

Finances of Dacca University, 75

Mukherjee, Babu Nitya Dhon

Calcutta Municipal Bill, 1921, 84, 203

Mukherji, Professor S. C.

Calcutta Municipal Bill, 1921, 197, 267, 356, 428.

Mullick, Babu Nirode Behary

Calcutta Municipal Bill, 1921, 251, 252, 344.

Nasker, Babu Hem Chandra

Bone mills at Beliaghata, 179.

Calcutta Municipal Bill, 1921, 21, 22, 88, 92, 94, 134, 186, 347, 361, 362, 513.

Nimtita

Waiting room at, 6.

Oath or affirmation, 1.

Pabna

Suspension of a mukhtear of, 10.

Pabna Charitable Hospital, 178.

Pabna morgue, 176

Pabna Waterworks—boring experiments, 72

Pay and prospects of officers serving in technical and industrial schools, 179.

Pay of Government Pleaders' clerks, 70

Police

Range Deputy Inspectors-General of, 280

President

Calcutta Municipal Bill, 1921, 14, 16, 18, 22, 30, 31, 32, 36, 42, 47, 53, 58, 61, 62, 65, 66, 68, 69, 76, 79, 80, 91, 92, 94, 95, 96, 99, 103, 108, 116, 119, 125, 126, 130, 133, 134, 144, 153, 158, 162, 164, 165, 166, 167, 178, 183, 187, 188, 193, 196, 206, 209, 210, 217, 218, 233, 237, 238, 252, 254, 263, 264, 265, 272, 273, 274, 278, 291, 295, 296, 297, 300, 304, 307, 308, 309, 310, 313, 318, 324, 335, 344, 348, 349, 355, 360, 361, 362, 363, 365, 371, 372, 379, 380, 384, 386, 387, 394, 397, 399, 412, 413, 414, 417, 419, 420, 421, 425, 427, 429, 430, 431, 440, 441, 444, 445, 452, 455, 456, 461, 473, 475, 478, 479, 481, 482, 487, 494, 501, 503, 504, 509, 510, 518, 523, 527.

Members of Local Legislative Council for Bakarganj as members of Barisal Jail, 3.

Primary schools

Mr. Biss's scheme for, 12.

Quinine

Delays in the supply of from Alipore Juvenile Jail to post offices for sale, 171

Raheem, Mr. Abdur

Calcutta Municipal Bill, 295, 296, 431, 503, 514.

Rahim, the Hon'ble Sir Abd-ur-

Case in the Subdivisional Officer's Court at Sirajganj, 282

Defalcations by Head Cashier of Calcutta Police Court, 8

Pay of Government Pleaders' clerks, 71

Resting place for jurors at Alipore, 283

Service of Civil Court summonses, 283

Suspension of a mukhtear of Pabna, 11

Railway line from Khulna to Barisal, 2

Railways

Investigation into adequacy of subways under in Bengal, 12.

Rauf, Maulvi Shah Abdur

Pay and prospect of officers surveying in technical and industrial schools, 179

Ray, Babu Surendra Nath

Calcutta Municipal Bill, 1921, 29

Ray, Kumar Shib Shekhareswar

Calcutta Municipal Bill, 1921, 86, 95, 196, 200, 209, 211, 217, 414, 429, 430, 508.

Ray Chaudhuri, Mr. Krishna Chandra

Calcutta Municipal Bill, 1921, 304, 347, 348, 350

Resting place for jurors at Alipore, 283

Roads

Condition of—in Bankura due to floods 182

Roy, Babu Jogendra Nath

Calcutta Municipal Bill, 1921, 90, 327, 381.

Roy, Mr. Bijoyprasad Singh

Anticipated deficit in the Budget for 1923-24, 180.

Calcutta Municipal Bill, 1921, 259, 260.

Resting place for jurors at Alipore, 283.

Roy, Rai Bahadur Lalit Mohan Singh

Secondary schools with commercial classes, 489

Roy, Raja Manilall Singh

Calcutta Municipal Bill, 1921, 62.

King Edward Memorial Hospital in Midnapore and Shama Charan Laha Eye Infirmary, 481

Rural Magistracy

Proposal for the establishment of a at Itna, 280

Salam, Khan Bahadur Maulvi Abdus

Calcutta Municipal Bill, 1921, 266, 487

Sanitary drainage of Pabna Town, 166

Sarkar, Babu Rishindra Nath

Calcutta Municipal Bill, 1921, 186, 187, 188.

Primary schools under Mr Biss's scheme, 12

Schools

Indian and European, 281

Pay and prospects of officers serving in technical and industrial, 179

Secondary with commercial classes, 463

"Servant" Defamation Case, 171

Sirajganj

Case in the Subdivisional Officer's Court at, 282

Sonarpur

Malaria Observatory at, 172

Stephenson, the Hon'ble Mr. H. L.

Appointment of a member of the Legislative Council as non-official visitor of District Jail, Bakarganj, 464

Cases of dacoity and murder committed within Mr Caspersz' zamindari in Bakarganj, 70.

Clubs in Calcutta conducting lotteries, 5

Stephenson, the Hon'ble Mr. H. L.

Proposal for the establishment of a Rural Magistracy at Itna, 280.

Range Deputy Inspectors-General of Police, 280.

Servant Defamation Case, 171.

Stuart-Williams, Mr. S. C.

Calcutta Municipal Bill, 1921, 127, 130.

Sub-registry offices

Alleged illegal charges at the—in Pabna and Tippera, 75.

Suhrawardy, Dr. A.

Calcutta Municipal Bill, 1921, 54, 237.

Servant Defamation Case, 171.

Suhrawardy, Dr. Hassan

Calcutta Municipal Bill, 1921, 244, 247.

Honorary physicians and surgeons to Medical College Hospital and Campbell Hospital, 3.

Suhrawardy, Mr. Huseyn Shaheed

Calcutta Municipal Bill, 262, 264, 265.

Supply

Quinine and cinchona—to in patients in Pabna, 177.

Suspension of a mukhtear of Pabna

Tetulia-Sripur Khal, 467.

Thanas in Pabna without charitable pensaries, 176.

Union Boards in Dacca, 468.

University College of Science, 225

Villiers, Mr. F. E E.

Calcutta Municipal Bill, 1921, 55, 301, 336, 418.

Vital statistics of Pabna, 174.

Waiting Room at Nimtita, 6.

Water-works

Pabna —. Boring experiments, 72.

Williams, Mr. S. C. Stuart-

Calcutta Municipal Bill, 1921, 38.

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